00026260

Digitized with financial assistance from

HT Parekh FOUNDATION

An Initiative by HDFC

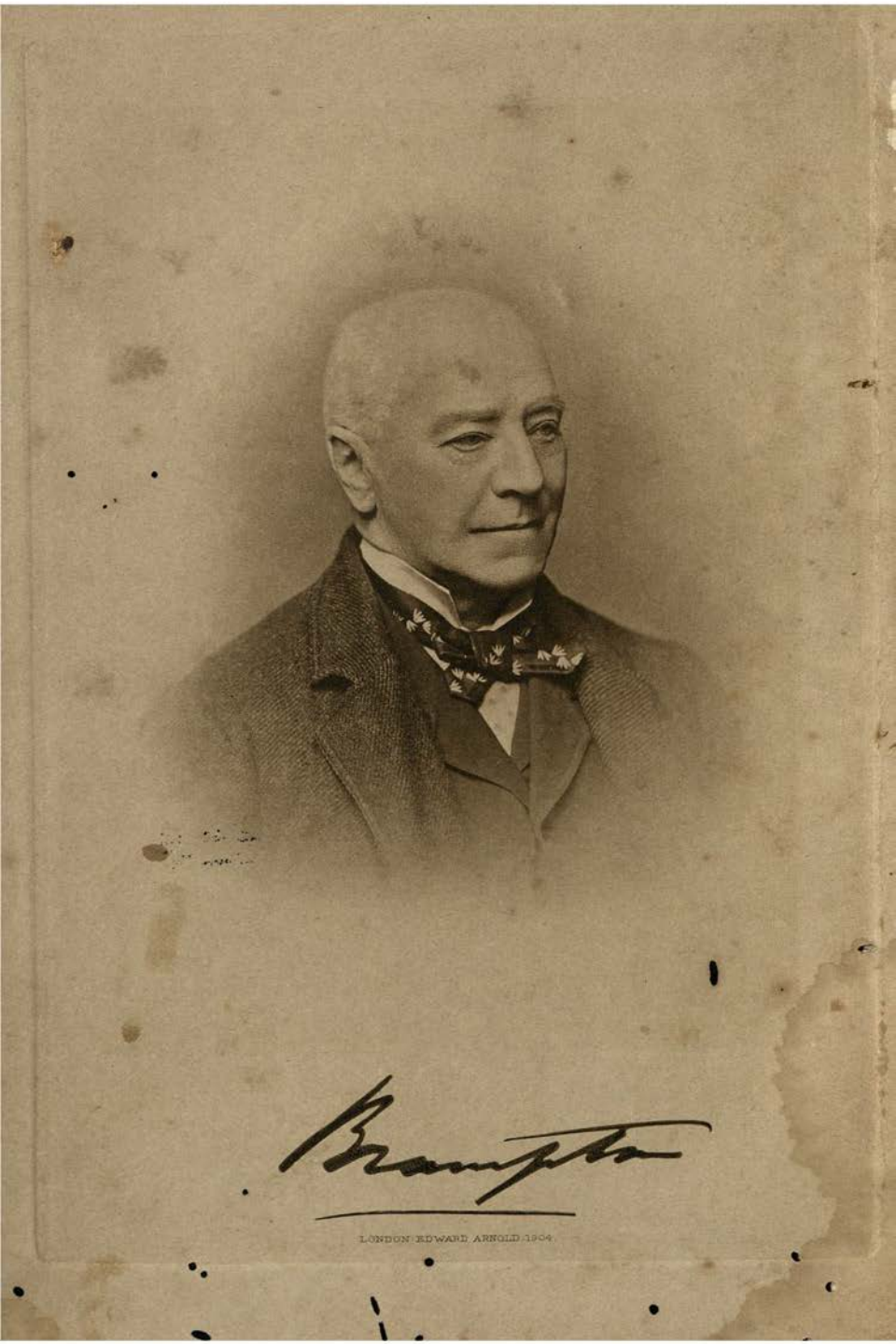
WITH YOU, RIGHT THROUGH

on 15 October, 2018

THE REMINISCENCES OF

SIR HENRY HAWKINS

BARON BRAMPTON



LONDON: EDWARD ARNOLD. 1904.

THE REMINISCENCES

OF

SIR HENRY HAWKINS

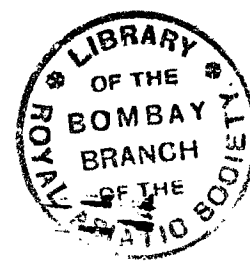
BARON BRAMPTON

EDITED BY

RICHARD HARRIS, K.C.

WITH PORTRAITS

26260



IN TWO VOLUMES

VOL. I.

LONDON

EDWARD ARNOLD

41 & 43 MADDOX STREET, BOND STREET, W.

1904

[*All rights reserved*]

E. Judge

923.41 H2
Law/Bra/Ram
26260

00026260

PREFACE

As a preface I wish to say only a very few words—namely, that but for the great pressure put upon me I should not have ventured to write, or allowed to be published, any reminiscences of mine, being very conscious that I could not offer to the public any words of my own that would be worth the time it would occupy to read them; but the whole merit of these volumes is due to my very old friend Richard Harris, K.C., who has already shown, by his skill and marvellously attractive composition in reproducing my efforts in the Tichborne case, what interest may be imparted to an otherwise very dry subject. In that work* he has done me much more than justice, and for this I thank him, with many good wishes for the success of this his new work, and with many thanks to those of the public who may take and feel an interest in such of my imperfect reminiscences as are here recorded.

BRAMPTON.

HARROGATE,
August 17, 1904.

* 'Illustrations in Advocacy' (fourth edition).

EDITOR'S PREFACE

THESE volumes are the outcome of many conversations with Lord Brampton and of innumerable manuscript notes from his pen. I have endeavoured, as far as possible, to present them to the public in such a manner that, although chronological order has not been strictly adhered to, it has been, nevertheless, considering the innumerable events of Lord Brampton's career, carefully observed.

Apocryphal stories are always told of celebrated men, and of no one more than of Sir Henry Hawkins during his career on the Bench and at the Bar; but I think I may venture to say that there is no doubtful story in these volumes, and, further, that there is not one which has ever been told exactly in the same form before. Good stories, like good coin, lose by circulation. If there should be one or two in these reminiscences which have lost their image and superscription by much handling, I hope that the recasting which they have undergone will give them, not only the brightness of the original mint, but a wider circulation than they have ever known.

The distinguishing characteristics by which Lord Brampton's stories may be known I have long been familiar with, and have no hesitation in saying that

one or other, some or all, may be found in every anecdote that bears the genuine stamp. They are

WIT, HUMOUR, PATHOS, AND TRAGEDY.

My claims in the production of these volumes are confined to their *defects*, although Lord Brampton has been generous enough to attribute to me a share in their merits.

I ought to say that, whenever it has been necessary to introduce any observations of my own, they are placed in brackets, so that I might not appear to intrude into the narrative.

RICHARD HARRIS.

42, FITZJOHN'S AVENUE,
HAMPSTEAD,
October 6, 1904.

CONTENTS OF VOL. I.

CHAPTER		PAGE
	AT BEDFORD SCHOOL	1
II.	AT MY UNCLE'S OFFICE	11
III.	SECOND YEAR—THESIGER AND PLATT	22
IV.	AT THE OLD BAILEY IN THE OLD TIMES	30
V.	MR. JUSTICE MAULE—THE VICAR, AND THE SABBATH-BREAKER	38
VI.	HOW I TOOK TWENTY-TWO POINTS AGAINST A CONVICTION	46
VII.	NEWMARKET HEATH	55
VIII.	MY FIRST BRIEF	67
IX.	AN EPISODE AT HERTFORD QUARTER SESSIONS	70
X.	HOW I ESCAPED FROM A DANGEROUS SITUATION	76
XI.	THE ONLY 'RACER' I EVER OWNED	84
XII.	WHY I GAVE OVER CARD-PLAYING	97
XIII.	POTTO BROWN'S CASE	103
XIV.	GRAHAM, THE POLITE JUDGE, AND 'JOHN ROBINS, MY LORD'	112
XV.	GLORIOUS OLD DAYS—OLD BOB GRIMSTONE, THE HONOURABLE, AND MANY OTHERS—CHICKEN HAZARD	119
XVI.	PETER RYLAND, THE REV. MR. FAKER, AND THE WELSH WILL	134
XVII.	TATTERSALL'S—BARON MARTIN, HARRY HILL, AND THE OLD FOX IN THE YARD	142
XVIII.	CHIEF BARON KELLY—JEAKES AND JACOBS—TWO HEBREW FIRMS OF SOLICITORS	153
XIX.	ARISING OUT OF THE 'ORSINI AFFAIR'	163

CHAPTER		PAGE
XX.	APPOINTED QUEEN'S COUNSEL—SITTING AS A COMMISSIONER	172
XXI.	ARTHUR À'BECKET—'TAKEN IN' TO CROSS-EXAMINE IN CHANCERY—JESSEL'S IDEA OF IT	183
XXII.	'FARMER RYDE'—THE PRIZE-FIGHT ON FRIMLEY COMMON	190
XXIII.	SAM WARREN, THE AUTHOR OF 'TEN THOUSAND A YEAR'	202
XXIV.	HOW JUDGES USED BIG 'D'S' IN THE BRAVE DAYS OF OLD	212
XXV.	CLUBS	227
XXVI.	THE KNEBWORTH THEATRICAL ENTERTAINMENTS—SIR EDWARD BULWER LYTTON—CHARLES DICKENS, CHARLES MATHEWS, MACREADY, DOUGLAS JERROLD	235
XXVII.	ALDERSON, TOMKINS, AND A FREE COUNTRY	244
XXVIII.	RACING ACQUAINTANCES, AND A VISIT TO A COUNTRY HARVEST-HOME FESTIVAL AT THE VILLAGE CHURCH	250
XXIX.	MR. BARON MARTIN	257
XXX.	CROCKFORD'S—'HOOKS AND EYES'—DOUGLAS JERROLD	259
XXXI.	A CONVERSATION ABOUT PALMER THE POISONER, BETWEEN TWO BETTING MEN	270
XXXII.	COMPENSATION—NICE CALCULATIONS IN OLD DAYS—EXPERTS—LLOYD AND I	277
XXXIII.	ELECTION PETITIONS	285
XXXIV.	MY CANDIDATURE FOR BARNSTAPLE	291
XXXV.	THE TICHBORNE CASE	307
XXXVI.	THE TICHBORNE CASE—*continued*	316

PORTRAIT OF LORD BRAMPTON — *Frontispiece*

THE REMINISCENCES OF

SIR HENRY HAWKINS

(NOW LORD BRAMPTON)

CHAPTER I

AT BEDFORD SCHOOL

My father was a solicitor at Hitchin, and much esteemed in the county of Hertford. He was also agent for many of the county families, with whom he was in friendly intercourse. My mother was the daughter of the respected Clerk of the Peace for Bedfordshire, a position of good influence, which might be, and is occasionally, of great assistance to a young man commencing his career at the Bar. To me it was of no importance whatever.

My father had a large family, sons and daughters, of whom only two are living. I mention this as an explanation of my early position when straitened circumstances compelled a most rigid economy. During no part of my educational career, either at school or in the Inn of Court to which I belonged, had I anything but a small allowance from my father. My life at home is as little worth telling as that of any other

in the same social position, and I pass it by merely stating that, after proper preparation, I was packed off to Bedford School for a few years.

My life there would have been an uninteresting blank but for a little circumstance which will presently be related. It was the custom then at this very excellent foundation to give mainly a classical education, and doubtless I attained a very fair proficiency in my studies. Had I cultivated them, however, with the same assiduity as I did many of my pursuits in after-life, I might have attained some eminence as a professor of the dead languages, and arrived at the dignity of one of the masters of Bedford.

However, if I had any ambition at that time, it was not to become a professor of dead languages, but to see what I could make of my own. It is of no interest to anyone that I had great numbers of peg-tops and marbles, or learnt to be a pretty good swimmer in the Ouse. There was a greater swim prepared for me in after-life, and that is the only reason for my referring to it.

In the year 1830 Bedford School-house occupied the whole of one side of St. Paul's Square, which faced the High Street. From that part of the building you commanded a view of the square and the beautiful country around. The sleepy old bridge spanned the still more sleepy river, over which lay the quiet road leading to the little village of Willshampstead, and it came along through the old square where the school-house was.

It was market-day in Bedford, and there was the usual concourse of buyers and sellers, tramps and country people in their Sunday gear; farmers and

their wives, with itinerant vendors of every saleable and unsaleable article from far and near.

I was in the upper schoolroom with another boy, and, looking out of the window, had an opportunity of watching all that took place for a considerable space. There was a good deal of merriment to divert our attention, for there were clowns and merry-andrews passing along the highroad, with singlestick players, Punch and Judy shows, and other public amusers. Everyone knows that the smallest event in the country will cause a good deal of excitement even if it be so small an occurrence as a runaway horse.

There was, however, no runaway horse to-day; but suddenly a great silence came over the people, and a sullen gloom that made a great despondency in my mind without my knowing why. Public solemnity affects even the youngest of us. At all events, it affected me.

Presently—and deeply is the event impressed on my mind after seventy years of a busy life, full of almost every conceivable event—I saw, emerging from a by-street that led from Bedford Gaol, and coming along through the square and near the window where I was standing, a common farm cart, drawn by a horse which was led by a labouring man. As I was above the crowd on the first-floor, I could see there was a layer of straw in the cart at the bottom, and above it, tumbled into a rough heap as though carelessly thrown in, a quantity of the same; and I could see also from all the surrounding circumstances, especially the pallid faces of the crowd, that there was something sad about it all. The horse moved slowly along, at almost a snail's pace, while behind walked a poor sad couple with

their heads bowed down, and each with a hand on the tail-board of the cart. They were evidently overwhelmed with grief.

Happily we have no such processions now; even Justice itself has been humanized to some extent, and the law's cruel severity mitigated. The cart contained the rude shell into which had been laid the body of this poor man and woman's only son, *a youth of seventeen, hanged that morning at Bedford Gaol for setting fire to a stack of corn!*

He was now being conveyed to the village of Willshampstead, six miles from Bedford, there to be laid in the little churchyard where in his childhood he had played. He was the son of very respectable labouring people of Willshampstead; had been misled into committing what was more a boyish freak than a crime, and was hanged. That was all the authorities could do for him, and they did it. This is the remotest and the saddest reminiscence of my life, and the only sad one I mean to relate, if I can avoid it.

But years afterwards, when I became a Judge, this picture, photographed on my mind as it was, gave me many a lesson which I believe was turned to good account on the judicial bench. It was mainly useful in impressing on my mind the great consideration of the surrounding circumstances of every crime, the *degree* of guilt in the criminal, and the difference in the degrees of the same kind of offence. About this I shall say something hereafter.

I remained at this school until I had acquired all the learning my father thought necessary for my future position, as he intended it to be, and much

more than *I* thought necessary, unless I was to get my living by teaching Latin and Greek.

Whether I liked it or not, I was not even consulted, it not being the fashion in those days to consult schoolboys in so important a matter as their future prospects, for what could they know about it? I was articled, therefore, to my worthy uncle, the Clerk of the Peace, and, had I possessed my present experience, should have known that it was a diplomatic move of the most profound policy to enable me, if anything happened to him, to succeed to that important dignity.

But I did not see things in the light of my present experience, and submitted to the articling business with a meekness which said much for the gentleness of my disposition, but nothing for the independence of my judgment.

Had I been ambitious of wealth, there were other offices which my uncle held, to the great satisfaction of the county, as well as his own. These would naturally descend to me, and I should have been in a position of great prominence in the county, with a very respectable income.

But I hated the drudgery of an attorney's office. In six months I saw enough of its documentary evidence to convince me that I hated it from my heart, and that nothing on earth would induce me to become a solicitor. I took good care, meek as I was, to show this determination to my friends. It was my only chance of escape. But while remaining there it was my duty to work, however hateful the task, and I did so.

Even this, to me, most odious business had its advantages in after-life. I attended one morning with my uncle the Petty Sessions of Hertford, where, no doubt,

I was supposed to enlarge my knowledge of sessions practice; it certainly did so, for I knew nothing, and received a lesson, which is not only my earliest recollection, but my first experience in *Advocacy*.

At this Hertford Petty Sessional Division the chairman was a somewhat pompous clergyman, but very devoted to his duties. He was strict in his application of the law when he knew it, but it was fortunate for some delinquents, although unfortunate for others, that he did not always possess sufficient knowledge to act independently of his clerk's opinion, while the clerk's opinion did not always depend upon his knowledge of law.

An impudent vagabond was brought up before this clergyman charged with a violent and unprovoked assault on a man in a public-house. He was said to have gone into the room where the prosecutor was, and to have taken up his jug of ale and appropriated the contents to his own use without the owner's consent. The prosecutor, annoyed at the outrage, rose, and was immediately knocked down by the interloper, and in falling cut his head.

There was to my untutored mind no defence, but the accused was a man of remarkable cunning and not a little ingenuity. He knew the magistrate well, and his special weakness, which was vanity. By this knowledge the man completely outwitted his adversary, and shifted the charge from himself on to the prosecutor's shoulders. The curious thing was he cross-examined the reverend chairman instead of the witness, which I thought a master-stroke of policy, if not advocacy.

'You know this public-house, sir?' he asked.

The reverend gentleman nodded.

'I put it to yourself, sir, as a gentleman, how would you have liked it if another man had come to your house and drunk your beer?'

There was no necessity to give an answer to this question. It answered itself. The reverend gentleman would not have liked it; and, seeing this, the accused continued:

'Well, your honour, this here man comes and takes my beer.

'"Halloa, Jack!" I ses, "no more o' that."'

'"No," he says, "there's no more; it's all gone."

'"Stop a bit," says I; "that wun't do, nuther."

'"That wun't do?" he says. "Wool that do?" and he ups with the jug and hits me a smack in the mouth, and down I goes clean on the floor; he then falls atop of me and right on the pot he held in his hand, which broke with his fall, bein' a earthenware jug, and cuts his head, and "Sarve him right," I hopes your honour 'll say; and the proof of which statement is, sir, that there's the cut o' that jug on his forehead plainly wisible for anybody to see at this present moment. Now, sir, what next? for there's summat else.

'"Jack," says I, "I'll summons you for this assault."

'"Yes," he says, "and so 'll I; I'll have ee afore his Worship Mr. Knox."

'"Afore his Worship Mr. Knox?" says I. "And why not afore his Worship the Rev. Mr. Hull? He's the gentleman for my money—a real gentleman as 'll hear reason, and do justice atween man and man."

'"What!" says Jack, with a oath that I ain't going

to repeat afore a clergyman—"what!" he says, "a d——d old dromedary like that!"

'"Dromedary, sir," meaning your worship! Did anybody ever hear such wile words against a clergyman, let alone a magistrate, sir? And he then has the cheek to come here and ask you to believe him. "Old dromedary!" says he—"a d——d old dromedary."'

Mr. Hull, the reverend chairman, was naturally very indignant, not that he minded on his own account, as he said—that was of no consequence—but a man who could use such foul language was not to be believed on his oath. He therefore dismissed the summons, and ordered the prosecutor to pay the costs.

I think both my father and uncle still nursed the idea that I was to become the good old-fashioned county attorney, for they perpetually rang in my ears the praises of 'our Bench' and 'our chairman,' our Bench being by far the biggest thing in Hertfordshire, except when a couple of notables came down to contest the heavy-weight championship or some other noble prize.

For myself, I can truly say I had no ambition at this time beyond earning my bread, for I pretty well knew I had to trust entirely to my own exertions. The fortunate have many friends, and it is just the fortunate who are best without them. I had none, and desired none, if they were to advise me against my inclinations. My term being now expired, for I loyally pursued my studies to the bitter end, my mind was made up, ambition or no ambition, for the Bar or the Stage.

Like most young men, I loved acting, and quite

believed I would succeed. My passion for the stage was encouraged by an old schoolfellow of my father's when he was at Rugby, for whom I had, as a boy, a great admiration. I forget whether in after-life I retained it, for we drifted apart, and our divergent ways continued their course without our meeting again.

Any worse decision, so far as my friends were concerned, could not be conceived. They both remonstrated solemnly, and were deeply touched with what they saw was my impending ruin, especially the ruin of their hopes. In vain, however, did they attempt to persuade me; my mind was as fixed as the mind of two-and-twenty can be. Having warned me in terms of severity, they now addressed me in the language of affection, and asked how I could be so headstrong and foolish as to attempt the Bar, at which I could only succeed after working about twenty years as a special pleader.

I have thought since I must have been mistaken in the number of years, but it was not material; any number of years would have had the same meaning to me at that time.

They next set before me, as a terrible warning, my uncle, another brother of my father's, who had gone to the Bar, and I will not say never had any practice, for I believe he practised a good deal on the Norfolk Broads, and once had a brief at sessions concerning the irremovability of a pauper, which he conducted much to the satisfaction of the pauper, although I believe the solicitor never gave him another brief.

However, our family trio could not go on for ever quarrelling, and at last they made a compromise with me, much to my satisfaction. My father undertook to

allow me a hundred a year for five years, and after that time it was to cease automatically, whether I sank or swam, with this solemn proviso, however, for the soothing of his conscience: that if I sank *my fate was to be upon my own head!* I agreed, also, to that part of the business, and accepting the terms, started for London.

CHAPTER II

AT MY UNCLE'S OFFICE

I OUGHT to mention, in speaking of my ancestors, that I had a very worthy godfather who was half-brother to my father. He was connected with a family of great respectability at Royston, in Cambridgeshire, and inherited from them a moderate-sized landed estate A portion of this property was a little farm situate at *Brampton*, in Huntingdonshire, from which village I took the title I now enjoy.

The farm was left, however, to my aunt for life, who lived to a good old age, as most life-tenants do whom you expect to succeed, and I got nothing until it was of no use to me. When I came into possession I was making a very fair income at the Bar, and the probability is my aunt did me, unconsciously, the greatest kindness she could in keeping me out of it so long.

So much for my ancestors. About the rest of them I know nothing, except an anecdote or two.

There was one more event in my boyhood which I will mention, because it is historic. I assisted my father, on my little pony, in proclaiming William IV. on his accession to the throne, and I mention it with the more pride because, having been created a Peer of

the Realm by her late gracious Majesty Queen Victoria, who was pleased to allow me the title of *Brampton*, I was qualified to assist as a member of the Privy Council at the accession of his present most gracious Majesty, and had the honour to hear him announce himself as *King Edward of England* by the title of *Edward the Seventh!*

Arrived in London, full of good advice and abundance of warnings as to the fate that awaited me, I entered as a pupil the chambers of a famous special pleader of that time whose name was Frederick Thompson. This was in the year 1841.

I have the right to say I worked very hard there for several months, and studied with all my might; nor was the study distasteful. I was learning something which would be useful to me in after-life. Moreover, being endowed with pluck and energy, I wanted to show that my uncles—for the godfather warned me as well—and my father were false prophets. So I gave myself up entirely to the acquisition of knowledge, this being absolutely necessary if I was to make anything of my future career. 'Sink or swim,' my father said, was the alternative, so I was resolved to keep my head above water if possible.

After being at Thompson's my allotted period, I next went to Mr. George Butt, a very able and learned man, who afterwards became a Queen's Counsel, but never an advocate. I acquired while with him a good deal of knowledge that was invaluable, became his favourite pupil, and was after a time entrusted with papers of great responsibility, so that in time it came to pass that Mr. Butt would send off my opinions without correction.

These are small things to talk of now, but they were great then, and the foundation of what, to me, were great things to come, although I little suspected any of them at that time; and as I look back over that long stretch of years, I have the satisfaction of feeling that I did not enter upon my precarious career without doing my utmost to fit myself for it.

I must here mention an event which took place about this time, and which was by no means the idle escapade that some people might suppose.

In those early days of the century prize-fights were very common in England. The noble Art of Self-defence was patronized by the greatest in the land. Society loved a prize-fight, and always went to see it as Society went to any other fashionable function. Magistrates went, and even clerical members of that august body. As magistrates it may have been their duty to discountenance, but as county gentlemen it was their privilege to support, the noble champions of the art, especially when they had their money on the event.

The magistrates, if their presence was ever discovered, said they went to prevent a breach of the peace, but if they were unable to effect this laudable object, they looked on quietly so as to prevent anyone committing a breach of the peace on themselves. Their individual heads were worth something.

It was to one of these exhibitions of valour, between *Owen Swift* and *Brighton Bill*, that a reverend and sporting magistrate took my brother John, a nice good schoolboy, in a tall hat. He thought it was the right thing that the boy should *see the world.* I thought, also, that what was good for John as

prescribed by his clerical adviser, would not be bad for me, so I went as well.

No doubt it was a rare 'set to,' and the champions, I honestly believe, did right good service to their backers. It was exciting in the extreme; I stood not far behind the clergyman, who had John by his side. John seemed as pleased as his spiritual guide, and kept his hands plunged deep down into his little pockets; it is the safest way to guard your money if you have any, for while your hands are there nobody else's can be. John was a saving boy, and always kept his savings in his own pockets. I wish people would adopt that plan more often than they do. It would save many of them from ruin.

I saw John's arms stretched tightly down by his sides, and knew that he had as much as a half-crown in each pocket, for he had shown them to me with great pride that very morning.

These were all his worldly possessions. There was a great crowd, of course, and a good many rough fellows between him and me, but I kept my eye on John's tall chimney-pot hat, knowing that while I saw that I should not lose John.

There was a stir, for Brighton Bill had landed a tremendous blow on the cheek of Owen Swift, and while we were applauding, as is the custom at prize-fights and public dinners, a cunning pick-pocket standing immediately behind John pushed the tall chimney-pot hat tightly down over the boy's eyes.

His little hands went up in a moment to raise his hat, so that he might see the world, the big object he had come to see; and immediately in went two other

hands, and out came the savings of John's life, his boasted two half-crowns!

When he saw the world again the rogue had disappeared.*

The famous place for these pugilistic encounters, or one of the famous places, was a spot called Noon's Folly, which was within a very few miles of Royston, where the counties of Cambridge, Suffolk, Essex, and Hertfordshire meet, or most of them. That was the scene of many a stiff encounter; and although, of course, there was both magisterial and police interference when the knowledge reached them that a fight was about to take place within their particular jurisdiction, by some singular misadventure the knowledge never reached them until their worships were returning from the battle. All was over before any *official* communication was made.

I was entered of the Middle Temple,† and remained with Mr. Butt until I had kept sufficient terms to qualify me to take out a license to plead on my own account, which I did at the earliest possible date. This was a great step in my career, although, of course, the license did not enable me to plead in court, as I was not called to the Bar.

If work came I should now be in a fair way to attain independence; but the prospect was by no means flattering; it was, in fact, all but hopeless while the position of a special pleader was not my ambition. The look-out, in fact, was anything but

* So greatly did the world differ in its treatment of the brothers: while the rogues emptied John's pockets, they filled Henry's.

† April 16, 1839.

encouraging from the fifth-floor of *No.* 3, *Elm Court* —I mean prospectively. It was a region not inaccessible of course, but it looked on to a landscape of chimney-pots, not one of which was likely to attract attorneys; it was cheap and lonely, dull and miserable; a melancholy altitude beyond the world and its companionship. Had I been of a melancholy disposition I might have gone mad, for hope surely never came to a fifth-floor. But there I sat day by day, week by week, and month by month, waiting for the knock that never came; hoping for the business that might never come.

It was hard, weary work doing nothing, and at times I almost despaired and wondered if I had done wisely in neglecting my father's advice. It was watching, waiting, listening for a footstep. Alas! between me and the courtyard there were many able practitioners, and my lofty abode was a very long way from there. It was as though I were besieged, but not by clients, simply cut off by a powerful blockade.

Hundreds of times had I listened with vain expectations to the footsteps on the stairs below—footsteps of attorneys and clerks, messengers and office-boys. I knew them all, and that was all I knew of them. Down below at the bottom flight they tramped, and there they mostly stopped. The ground-floor was evidently the best for business; but some came higher, to the first-floor. That was a good position; there were plenty of footsteps, and I could tell they were the footsteps of clients. A few came a little higher still, and then my hopes rose with the footsteps. Now someone had come up to the third-floor: he stopped! Alas! there was the knock, one single hard knock;

it was a junior clerk. The sound came all too soon for me, and I turned from my own door to my little den and looked out of my window up into the sky, from whence it seemed I might just as well expect a brief as from the regions below.

This was not quite true. On another occasion some bold adventurer ascended with asthmatical energy to the *fourth-floor*, and I thought as I heard him wheeze he would never have breath enough to get down again, and wondered if the good-natured attorneys kept these wheezy old gentlemen out of charity. But it was rare indeed that the climber, unless it was the rent-collector, reached that floor.

The fifth landing was too remote for the postman, for I never got a letter—at least, so it seemed; and no squirrel watching from the topmost bough of the tallest pine could be more lonely than I.

At last I thought a step had passed even the fourth landing, and was approaching mine; but I would not think too fast, and damped my hopes a little on purpose lest they should burn too brightly and too fast. I was not mistaken: there *was* a footstep on my landing, and I listened for the one heavy knock. It seemed to me I waited about an hour and a half, judging by the palpitations of my heart, and wished the man had knocked as vigorously. But I was rewarded; the knocker fell, and, as my boy was away with the toothache, I opened the door myself. He was the same wheezy man I had heard below some time before; and I really seem to have liked asthmatical people ever since, except when I became a Judge and they disturbed me in court, at which time the usher would always take out the cough, or

the dog, or whatever the nuisance might happen to be.

'Papers!'

That is enough to say to anyone who understands the situation. You may be sure I gave them my best attention, that they were finished promptly, and, as I hoped, in the best style. If I had required any additional incentive to keep me to my daily task of watching, this would have been sufficient; but I wanted none. I knew that my whole future depended upon it, and there I was from ten in the morning till ten at night.

My first fee was small, but it was the biggest fee I ever had. It was 10s. 6d. I was only a special pleader, and with some papers our fees were even less; we only had to *draw* pleadings, not to open them in court: that comes after you are called to the Bar. Drawing them means really drawing the points of the case for counsel, and opening them means a gabbling epitome of them to the jury which no jury in this world ever yet understood or ever will.

It should be remembered that at that time there were a good many fourth and fifth floor men who never got their fees at all from some attorneys; these gentlemen (the attorneys) patronized the poor pleaders by way of giving them 'a turn,' as they called it, out of good-nature. They never showed me that benevolence, because I determined from the first to have only business arrangements with my clients—no love—on my side, and no 'accommodation' on theirs.

This little matter was the forerunner of others, and by little and little I steadily went on, earning a few shillings now and a few shillings then, but, best of all, becoming known little by little here and there.

I was aware that some knowledge of the world would be necessary for me when I once got into it by way of business as an advocate, so I came to the conclusion that it would be well to commence that branch of study as soon as I closed the other for the day—or rather for the night.

I had not far to go to school, only to the Haymarket and its delightful purlieus, and there were the best teachers to be found in the world, and the most recondite studies. For all these I kept, as the great politicians say, an open mind, and learned a great deal, which stood me in good stead in after-life. You cannot pick up much knowledge of the world on a fifth-floor, 11 feet by 8 feet, and a sloping ceiling; but under the 'broad canopy' there is ample space for meditation. I availed myself of my opportunities, and when it became essential had a fair stock of knowledge, even sometimes enough for my learned friends as well, especially if they had been 'well brought up.'

It is not necessary, I suppose, in writing these reminiscences, to describe all I saw—at least, I hope not. Manners have so changed since that time that people who have no imagination would not believe me, and those who have would imagine I was exaggerating. So I must skip this portion of my youthful studies, merely saying that I saw nearly, if not *quite*, all the life which was to be seen in London; and I am sure I am not exaggerating when I say that that would nearly fill an octavo volume of itself. There is so much to be seen in London, as a dear old lady I used to drink tea with once told me.

But she did not know more than I, for she had

never seen the night-houses, gambling hells, and other places of amusement that at that time were open all night long, nor had she seen the ghastly faces of the morning. I attribute my escaping the consequences of all these allurements, to the beautiful influence which my mother in early life exercised over me, as I attribute my knowledge of them to the removal of the restraint with which my earlier years had been curbed.

My mother died before I came to London, but undoubtedly her influence was with me, although I broke loose, as a matter of course, from all paternal control.

But I was never a 'man about town.' To be that you must have plenty of money, or none at all, and in either case you are an object to avoid. I had, nevertheless, a great many pleasures that a young man from the country can enjoy. I loved horse-racing, cricket, and the prize-ring. It was not because pugilism was a fashionable amusement in those days that I attended a 'set-to' occasionally; I went on my own account, not to ape people in the fashionable world, and enjoyed it on my own account, not because they liked it, but because I did.

It was the taste of the age, and its principal pastime —a fight on Sunday morning on the village green— was a common mode with the rustics of rubbing off their weekly accounts, and starting with a clean slate for Monday. But none of these sports and amusements did me any harm. On the contrary, they did me good. The 'wit there I got there' I could get 'nae ither where,' and it was all of excellent service in enabling me to play my part in the real drama of life that was before me.

My rent at this time of my entrance into the

fashionable world was £12 a year; my laundress, perhaps, a little less. She earned it by coming up the stairs; but she was a good old soul. I remembered her long years after, and always with gratitude for her many kindnesses in those gloomy days. Her name was Hannem.

Of course, I had to buy the necessary books for my professional use, coals, and other things, and after paying all these I had to live on the narrow margin of my £100 a year.

This recollection is very pleasing: I never got into debt, and never wanted; but I had to be frugal and avoid every unnecessary expense.

But the time at last came when I was no longer to rest on my lonely perch at the top of Elm Court. I had kept my terms, and was duly called to the Bar of the Middle Temple on May 3, 1843.

It was a day to be remembered, and a red-letter day in my life's calendar, to be especially remembered in connection with an event that took place *fifty years afterwards*. The separation of time does not affect the associations of memory.

Just fifty years after, when I was a Judge, and almost the Senior Bencher of my Inn, our illustrious Sovereign, then Prince of Wales, who is also a Bencher of the Middle Temple, favoured us with his presence at dinner, and did me the honour to propose my health in a gracious speech. On returning thanks for this kindness, I told the crowded audience of my *jubilee*, and pointed out the spot where fifty years before I had held my call party.

CHAPTER III

SECOND YEAR—THESIGER AND PLATT

In my second year I made £50, the sweetest fifty pounds I ever made. I had no longer any weary waiting, for there was no weariness in it, and I confess at this time my sole idea, and I may add my only ambition, was to relieve myself of all obligations to my father. If I could accomplish this I should have vindicated the step I had taken, and my father would have no further right, whatever reason he might think he had, to complain.

My third year came, and then, to my great joy, finding that I was earning more than the hundred pounds he allowed me, I wrote and informed him, with all proper expressions of gratitude, that I should no longer need his assistance, and from that time I never had a single farthing that I did not earn.

I am sure I was prouder of that than of my peerage, for I experienced for the first time the joyous pride of independence. There is no fruit of labour so sweet as that.

But I no sooner began to obtain a little success than my rivals and others tried to deprive me of the merit of it, if merit there was—'Oh, of course his father and uncle are both solicitors in the county'; while one of

the local newspapers years after was good enough to publish a paragraph which stated that I owed all my success to my father's office.

This, of course, does not need contradiction, for it is immaterial to everybody how I succeeded, except to myself. Nobody in this world, and especially in our profession, ever does anything which the world thinks the least meritorious without inspiring a feeling of jealousy in the unsuccessful. He will be lucky if he escapes without some unfriendly paragraph as to his being an overrated man.

I shall, however, small as the matter seems, contradict it in these memoirs, and say, for the gratification of others who hope to succeed in life's great battle, that my success has been due entirely to hard work. That I had an occasional small session's case from my father's office was natural enough, but it did not help me in after-life. It was valuable only for the little fee it brought, and which I was most pleased to receive.

An occasional small brief from Hitchin was the beginning and the end of my father's influence, while sessions practice was not the practice I hoped to finish my career with, although I had little hopes of eminence. Certainly if I had I should have known that eminence could not come from Hitchin.

You may learn advocacy at Quarter Sessions, and much of it must be learnt there; how else are you to acquire any practice in cross-examination, which in itself comprehends all the other branches if you know how to separate them? Cross-examination includes your speech. Great achievements can only be accomplished by long, laborious study and perseverance. My

first brief for the defence was delivered to me at Hertford Quarter Sessions in 1844.

To a man of good natural abilities and power to use them a certain amount of sessions practice will be most useful. It enables a man to think on his legs, and this is the first step to advocacy.

I chose the Home Circuit, and did not leave it till I was made a Judge. It is impossible to forget the kindness I received from its members throughout my whole career. There was a brotherly feeling amongst us which made life very pleasant.

It is more difficult to obtain business on circuit at first than at sessions, and one has ample opportunity for studying human nature as exhibited in that condensed form which you find amongst leading advocates.

There were several celebrated men on the Home Circuit when I joined. Amongst them were Thesiger and Platt.

This was long before the former became Attorney-General, which took place in 1858. He afterwards was Lord Chancellor, and took his title from the little county town where probably he obtained his start in the career which ended so brilliantly.

Platt became a Baron of the Exchequer.

Thesiger was a first-rate advocate, and I need not say at all times scrupulously fair. He had a high sense of honour, and was replete with a quiet, subtle humour, which seemed to come upon you unawares, and, like all true humour, derived no little of its pleasure from its surprise. He was constantly bubbling over with good puns and real wit. Many a good saying of his and others was recorded in the

Home Circuit records, but the book unfortunately was lost. No one, however, has had the hardihood to publish it, and it was therefore a useless prize to him who had the misfortune to lose it or find it.

Old stories, someone observed, are none the worse for keeping, if they do not get too dry. In the course of this narrative I will tell one or two when I have got through the historical part of my earlier career. Let me finish my description of these two worthy advocates, and give an idea as to what they were like by a case in which I took much interest on the first day I attended the circuit.

Thesiger, in addition to his abilities, was ever kind-hearted and gentle, especially in his manner towards juniors. I know that he sympathized with them, and helped them whenever he had an opportunity. It did not fall to my lot to hold many briefs with him, but I am glad to say that I had some, because I shall not forget the kindness and instruction I received from him. It is a pleasant reminiscence.

Platt was an advocate of a different stamp. He also was kind, and in every way worthy of grateful remembrance. He loved to amuse especially the junior Bar, and more particularly in court. He was a good natural punster, and endowed with a lively wit. The circuit was never dull when Platt was present; his geniality enlivened the despondent, and he seemed to 'let himself go' for the pleasure it afforded to our younger members, of whom I was the youngest.

But there was one trait in Platt's character as an advocate that Judges always profess to disapprove of —he loved popular applause, and his singularly bold and curious mode of cross-examination sometimes

brought him both rebuke and hearty laughter from the most austere of Judges.

He dealt with a witness as though the witness was putty, moulding him into any grotesque form that suited his humour. No evidence could preserve its original shape after Platt had done with it. He had a coaxing manner, so much so that a witness would often be led to say what he never intended, and what afterwards he could not believe he had uttered. His manner was original, and he turned at times a stream of humour on to the unhappy individual in the witness-box, much to his discomfort.

Thesiger, who was his constant opponent, was sometimes irritated with Platt's manner, and on the occasion I am about to mention fairly lost his temper.

It was in an action for nuisance before Tindal, Chief Justice of the Common Pleas, at Croydon Assizes.

Thesiger was for the plaintiff, who complained of a nuisance caused by the bad smells that emanated from a certain tank on the defendant's premises, and called a very respectable but ignorant labouring man to prove his case.

The witness gave a description of the tank, not picturesque, but doubtless true, and into this tank all kinds of refuse seem to have been thrown, so that the vilest of foul stenches were emitted.

Platt began his cross-examination of poor Hodge by asking in his most coaxing manner to describe the character and nature of the various stenches. Had Hodge been scientific, or if he had had a little common-sense, he would have simply answered '*bad* character and *ill*-nature,' but he improved on this simplicity and said:

'Some on 'em smells summat *like paint.*'

This was quite sufficient for Platt.

'Come, now,' said he, 'that's a very sensible answer. You are aware, as a man of undoubted intelligence, that there are various colours of paint. Had this smell any *particular colour*, think you?'

'Wall, I dunnow, sir.'

'Don't answer hurriedly; take your time. We only want to get at the truth. Now, what colour do you say this smell belonged to?'

'Wall, I don't raightly know, sir.'

'I see. But what do you say to *yellow?* Had it a yellow smell, think you?'

'Wall, sir, I doan't think ur wus yaller, nuther. No, sir, not quite yaller; I think it was moore of a blue like.'

'A blue smell. We all know a blue smell when we see it.'

Of course, I need not say the laughter was going on in peals, much to Platt's delight. Tindal was simply in an ecstasy, but did all he could to suppress his enjoyment of the scene.

Then Platt resumed:

'You think it was more of a blue smell like? Now, let me ask you, there are many kinds of blue smells, from the smell of a Blue Peter, which is salt, to that of the sky, which depends upon the weather. Was it dark, or——'

'A kind of sky-blue, sir.'

'More like your scarf?'

Up went Hodge's hand to see if he could feel the colour.

'Yes,' said he, 'that's more like——'

'Zummut like your scarf?'

'Yes, sir.'

Then he was asked as to a variety of solids and liquids; and the man shook his head, intimating that he could go a deuce of a way, but that there were bounds even to human knowledge.

Then Platt questioned him on less abstruse topics, and to all of his questions he kept answering:

'Yes, my lord.'

'Were fish remnants,' asked Platt, 'sometimes thrown into this reservoir of filth, such as old cods' heads with goggle eyes?'

'Yes, my lord.'

'*Rari nantes in gurgite vasto?*'

'Yes, my lord.'

Thesiger could stand it no longer. He had been writhing while the court had been roaring with laughter, which all the ushers in the universe, supported by all the javelin-men in the kingdom, could not suppress.

'My lord, my lord, there must be some limit even to cross-examination by my friend. Does your lordship think it is fair to suggest a classical quotation to a respectable but illiterate labourer?'

Tindal, who could not keep his countenance—and no man who witnessed the scene could—said:

'It all depends, Mr. Thesiger, whether this man understands Latin.' Whereupon Platt immediately turned to the witness and said:

'Now, my man, attend: *Rari nantes in gurgite vasto.* You understand that, do you not?'

'Yes, my lord,' answered the witness, stroking his chin.

Tindal, trying all he could to suppress his laughter, said:

'Mr. Thesiger, the witness says he understands the quotation, and, as you have no evidence to the contrary, I do not see how I can help you.' Of course, there was a renewal of the general laughter, but Thesiger, in his reply, turned it on Platt.

This was my first appearance on circuit, and my first lesson from a great advocate in the art of caricature.

CHAPTER IV

AT THE OLD BAILEY IN THE OLD TIMES

It is a vast space to look back over sixty years of labour, and yet there seems hardly a scene or an event of any consequence that is not reproduced in my mind with a vividness that astonishes me.

In my earlier visits to Her Majesty's Courts of Justice my principal business was to study the Queen's Counsel and Serjeants, and they were worthy the attention I bestowed on them. They all belonged to different schools of advocacy, and some knew very little about it.

I went to the Old Bailey, a den of infamy in those times not conceivable now, and I verily believe that no future time will produce its like—at least, I hope not. Its associations were enough to strike a chill of horror into you. It was the very cesspool for the offscourings of humanity. I had no taste for criminal practice in those days, except as a means of learning the art of advocacy. In these cases, presided over by a Judge who knows his work, the rules of evidence are strictly observed, and you will learn more in six months of practical advocacy than in ten years elsewhere. The Criminal Court was the best school in which to learn your work of cross-examination and

examination-in-chief, while the Courts of Equity were probably the worst. But I shall not dwell on my struggles in connection with the Old Bailey at that early period of my life. What will be more interesting, perhaps, are some curious arrangements which they had for the conduct of business and the entertainment of the Judges.

These are a too much neglected part of our history, and when referred to in reminiscences are generally referred to as matters for jocularity. They exercised, however, a serious influence on the minds and feelings of the people, as well as their manners; more so than a hundred subjects with which the historian or the novelist sometimes deals.

In all cases of unusual gravity three Judges sat together. Offences that would now be treated as not even deserving of a day's imprisonment in many cases were then invariably punished with death. It was not, therefore, so much the nature of the offence as the importance of it in the eyes of the Judges that caused three of them to sit together and try the criminals.

They sat till five o'clock right through, and then went to a sumptuous dinner provided by the Lord Mayor and Aldermen. They drank everybody's health but their own, thoroughly relieved their minds from the horrors of the court, and, having indulged in much festive wit, sometimes at an alderman's expense, and often at their own, returned into court in solemn procession, their gravity undisturbed by anything that had previously taken place, and looking the picture of contentment and virtue.

Another dinner was provided by the Sheriffs; this

was for the Recorder, Common Serjeant, and others who took their seats when their lordships had arisen.

I ought to mention one important dignitary—namely, the chaplain of Newgate—whose fortunate position gave him the advantage over most persons, for he *dined at both these dinners*, and assisted in the circulation of the wit from one party to another; so that what my Lord Chief Justice had made the table roar with at five o'clock, the Recorder and the Common Serjeant roared with at six, and were able to retail at their family tables at a later period of the evening. It was in that way so many good things have come down to the present day.

The reverend gentleman alluded to of course attended the court in robes, and his only, but solemn, function was to say 'Amen' when the sentence of death was pronounced by the Judge. It was worth hearing, because it sounded like an air-bubble breaking from his windpipe: a wheezy kind of performance, and worth very little to anybody concerned, still less to the prisoner.

There were curious old stories, too, about my lords and old port at that time which are not of my own reminiscences, and, therefore, I shall do no more than mention them in order to pass on to what I heard and saw myself.

The first thing that struck me in the after-dinner trials was the extreme rapidity with which the proceedings were conducted. As Judges and counsel were exhilarated, the business was proportionately accelerated. But of all the men I had the pleasure of meeting on these occasions, the one who gave me the

best idea of rapidity in an after-dinner case was Muirhouse.

Let me illustrate it by a trial which I heard. Jones was the name of the prisoner. His offence was that of picking pockets, entailing, of course, a punishment corresponding in severity with the barbarity of the times. It was not a plea of 'Guilty,' when, perhaps, a little more inquiry might have been necessary: it was a case in which the prisoner solemnly declared he was 'Not guilty,' and therefore had a right to be tried.

The accused having 'held up his hand,' and the jury having solemnly sworn to hearken to the evidence, and 'to well and truly try, and true deliverance make,' etc., the witness for the prosecution climbs into the box, which was like a pulpit, and before he has time to look round and see where the voice comes from, he is examined as follows by the prosecuting counsel:

'I think you were walking up Ludgate Hill on Thursday 25th, about half-past two in the afternoon and suddenly felt a tug at your pocket and missed your handkerchief which the constable now produces. Is that it?'

'Yes, sir.'

'I suppose you have nothing to ask him?' says the Judge. 'Next witness.'

Constable stands up.

'Were you following the prosecutor on the occasion when he was robbed on Ludgate Hill, and did you see the prisoner put his hand into the prosecutor's pocket and take this handkerchief out of it?'

'Yes, sir.'

Judge to prisoner: 'Nothing to say, I suppose?' Then to the jury: 'Gentlemen, I suppose you have no doubt? I have none.'

Jury: 'Guilty, my lord,' as though to oblige his lordship.

Judge to prisoner: 'Jones, we have met before—we shall not meet again for some time—seven years' transportation—next case.'

Time: two minutes, fifty-three seconds.

Perhaps this case was a high example of expedition, because it was not always that a learned counsel could put his questions so neatly; but it may be taken that these after-dinner trials did not occupy on the average more than *four minutes* each.

Of course, in those days there were Judges of the utmost strictness as there are now, who insisted that the rules of evidence should be rigidly adhered to. It was only occasionally that you were favoured with such despatch. I will give some instances of a Judge whose abilities were of a remarkable order, and whose memory is still fresh in the minds of many of my contemporaries—I mean Mr. Justice Maule. His asthmatic cough was the most interesting and amusing cough I ever heard, especially when he was saying anything more than usually humorous, which was not infrequently. He was a man of great wit, sound sense, and a curious humour, such as I never heard in any other man. He possessed, too, a particularly keen apprehension. To those who had any real ability he was the most pleasant of Judges, but had little love for mediocrities. He flourished in the days I have been speaking of, those of Tindal and Jervis, who were in the Common Pleas, a court always pro-

lific of the very finest Judges our country ever had. Perhaps, however, I should place the Exchequer of a later period on the same elevated plane.

Maule's voice was as peculiar as his cough, and both in concert gave you the idea he was speaking out of a large gramophone, only more distinct than the gramophone generally is. His scientific knowledge was excellent. I remember on one occasion a great personal friend consulting him as to the instructions he should give to an architect who was to prepare plans for building a music-room in addition to some others in his house.

'Have you told the architect what you want?' asked Maule.

'No,' said his friend, 'not yet.'

'Then don't,' said Maule, 'for God's sake! If you have not told him, you may stand a chance of getting it, but if you give him scientific instructions—*your* scientific instructions—you will so puzzle the poor man that the odds are you will get nothing in the world like what you require. Leave it to him.'

The same Judge possessed also a great amount of common-sense, which on the Bench is of much more importance than learning itself, because a small quantity of the latter, in most cases, goes a long way if aided by the former. The more pedantry the less justice.

Maule was one day hearing cases in what are called 'Judges' Chambers,' where a good deal of skirmishing and sharp-shooting between boys who come from solicitors' offices and represent the firm, used to take place over pleadings and other preliminary matters, before the general action commenced.

These conflicts were sometimes annoying, especially if the Judge was of a wavering mind, or a disposition to please both sides. Maule was by no means that kind of man, and after he had given his prompt decision, one of the boys lost his temper and evidently thought the Judge was wrong. This was the boy who had lost his case; the other boy thought the Judge was *right in his law.* Alas! the first boy, as he approached the doorkeeper, muttered the words: 'A damned old fool!'

This was too much for the doorkeeper—a gentleman who had been told off to do his duty in that station of life in which Providence, supported by solicitous friends, had placed him, during the last forty years—and he could not 'stand it.' In his opinion, such language, applied to a learned Judge of the High Court, amounted to little less than high treason, if it was not really a much greater offence.

Consequently, as in duty bound to make all the mischief he could, this official immediately reported the words the lad had used to the Judge.

'Bring him back,' said Maule—'bring him back at once!'

Then, pale and trembling, the youth stood before the Judge in reverential attitude, with his chin on his breast and his eyes cast down to the floor; he who had been so bold and indiscreetly loud in damning the old fool a minute previously.

'I understand,' said his lordship, 'that in passing out of these chambers you called me "A damned old fool!" I don't say you are wrong, my boy, for a moment; you may be *right.* I *may* be a damned old fool, but it would have been more polite if you had

deferred the expression of your opinion until you were outside. You may now go.'

Such was his sense of dignity—a dignity that did not condescend to punish as a Judge what was spoken against the mere individual as a man; he was not defending the self-conceit of his office, and I think rather admired the boy's outspoken frankness.

CHAPTER V

MR. JUSTICE MAULE, THE VICAR, AND THE SABBATH-BREAKER

I COME now to the theological department of Mr. Justice Maule's character. I have said he had a keen discernment, and no man ever was endowed with a greater abhorrence of hypocrisy. I learnt a great deal in watching him and noting his observations. One day a very sad case was being tried. It was that of a man for killing an infant, and it was proposed by the prosecution to call as a witness a little brother of the murdered child.

The boy's capacity to give evidence, however, was somewhat doubted by the counsel for the Crown, John Clark, and it did honour to his sense of fairness. Having asked the little boy a question or two as to the meaning of an oath, he said he had some doubt as to whether the witness should be admitted to give evidence, as he did not seem to understand the nature of an oath, and the boy was otherwise deficient in religious knowledge.

He was asked the usual sensible questions which St. Thomas Aquinas himself would have been puzzled to answer; and, being a mere child of seven, or at most eight, years of age, without any kind of education,

was unable to state what the exact nature of an oath was.

Having failed in this, he was next asked what, when they died, became of people who told lies.

'If he knows that, it's a good deal more than I do, said Maule.

'Attend to me,' said the Crown counsel. Do you know that it's wicked to tell lies?'

'Yes, sir,' the boy answered.

'I don't think,' said the counsel for the prosecution, 'it would be safe to swear him, my lord; he does not seem to know anything about religion at all. You can stand down.'

'Stop a minute, my boy,' says Maule; 'let me ask you a question or two. 'You have been asked about a future state—at least, I presume that was at the bottom of the gentleman's question. I should like to know what you have been taught to believe. What will become of you, my little boy, when you die, if you are so wicked as to tell a lie?'

'*Hell fire*,' answered the boy with great promptitude and boldness.

'Right,' said Maule. 'Now let us go a little further. Do you mean to say, boy, that you would go to hell fire for telling *any* lie?'

'*Hell fire*, sir,' said the boy emphatically, as though it were something to look forward to rather than shun.

'Take time, my boy,' said Maule; 'don't answer hurriedly; think it over. Suppose, now, you were accused of stealing an apple; how would that be in the next world, think you?'

'*Hell fire*, my lord!'

'Very good indeed. Now let us suppose that you

were disobedient to your parents, or to one of them; what would happen in that case?'

'*Hell fire*, my lord!'

'Exactly; very good indeed. Now let me take another instance, and suppose that you were sent for the milk in the morning, and took *just a little sip* while you were carrying it home; how would that be as regards your future state?'

'*Hell fire!*' repeated the boy.

Upon this Clark suggested that the lad's absolute ignorance of the nature of an oath and Divine things rendered it imprudent to call him.

'I don't know about that,' said Maule; 'he seems to me to be very sound, and most divines will tell you he is right.'

'He does not seem to be competent,' said the counsel.

'I beg your pardon,' returned the Judge, 'I think he is a very good little boy. He thinks that for every wilful fault he will go to hell fire; and is very likely while he believes that doctrine to be very strict in his observance of truth. If you and I believed that such would be the penalty for every act of misconduct we committed, we should be better men than we are. Let the boy be sworn.'

On one occasion, before Maule, I had to defend a man for murder. It was a terribly difficult case, because there was no defence except the usual one of insanity.

The court adjourned for lunch, and Woollet, who was my junior, and I went to consultation. I was oppressed with the difficulty of my task, and asked Woollet what he thought I could do.

'Oh,' said he in his sanguine way, 'make a hell of

a speech. You'll pull him through all right. Let 'em have it.'

'I'll give them as much burning eloquence as I can manage,' said I, in my youthful ardour; 'but what's the use of words against facts? We must really stand by the defence of insanity; it is all that's left.'

'Call the clergyman,' said Woollet; 'he'll help us all he can.'

With that resolution we returned to court. I made my speech for the defence, following Woollet's advice as nearly as practicable, and really blazed away. I think the jury believed there was a good deal in what I said, for they seemed a very discerning body and a good deal inclined to logic, especially as there was a mixture of passion in it.

We then called the clergyman of the village where the prisoner lived. He said he had been Vicar for thirty-four years, and that up to very recently, a few days before the murder, the prisoner had been a regular attendant at his church. He was a married man with a wife and two little children, one seven and the other nine.'

'Did the wife attend your ministrations, too?' asked Maule.

'Not so regularly. Suddenly,' continued the Vicar, after suppressing his emotion, 'without any apparent cause, the man became *a Sabbath-breaker*, and absented himself from church.'

This evidence rather puzzled me, for I could not understand its purport. Maule in the meantime was watching it with the keenest interest and no little curiosity. He was not a great believer in the defence of insanity, except occasionally, that of the solicitor

who set it up, and he watched the Vicar with scrutinizing intensity.

'Have you finished with your witness, Mr. Woollet?' his lordship inquired.

'Yes, my lord.'

Maule then took him in hand, and after looking at him steadfastly for about a minute, said:

'You say, sir, that you have been Vicar of this parish for *four-and-thirty years?*'

'Yes, my lord.'

'And during that time I dare say you have regularly performed the services of the Church?'

'Yes, my lord.'

'Did you have week-day services as well?'

'Every Tuesday, my lord.'

'And did you preach your own sermons?'

'With an occasional homily of the Church.

'Your own sermon or discourse, with an occasional homily? And was this poor man a regular attendant at all your services during the whole time you have been Vicar?'

'Until he killed his wife, my lord.'

'That follows—I mean up to the time of this sabbath-breaking you spoke of. He regularly attended your ministrations, and then killed his wife?'

'Exactly, my lord.'

'Never missed the sermon, discourse, or homily of the Church, Sunday or week-day?'

'That is so, my lord.'

'Did you write your own sermons, may I ask?'

'Oh yes, my lord.'

Maule carefully wrote down all that our witness said, and I began to think the defence of insanity

stood on very fair grounds, especially when I perceived that Maule was making some arithmetical calculations; but you never could tell by his manner which way he was going, and, therefore, we had to wait for his next observation, which was to this effect:

'You have given yourself, sir, a very excellent character, and, doubtless, by your long service in the village, have richly deserved it. You have no doubt also won the affection of all your parishioners, probably that of the Bishop of your diocese, by your incomparable devotion to your parochial duties. The result, however, of your indefatigable exertions, so far as this unhappy man is concerned, comes to this——'

His lordship then turned and addressed his observations on the result to me.

'This gentleman, Mr. Hawkins, has written with his own pen and preached or read with his own voice to this unhappy prisoner about *one hundred and four Sunday sermons or discourses, with an occasional homily, every year.*'

There was an irresistible sense of the ludicrous as Maule uttered, or rather growled, these words in a slow enunciation, and an asthmatical tone. He paused as if wondering at the magnitude of his calculations, and then commenced again more slowly and solemnly than before.

'These,' said he, 'added to the week-day services—make—exactly *one hundred and fifty-six sermons, discourses, and homilies for the year.*' (Then he stared at me, asking with his eyes what I thought of it.) 'These, again, being continued over a space of time, comprising, as the reverend gentleman tells us, no less than *thirty-four years*, give us a grand total of *five*

thousand three hundred and four sermons, discourses, or homilies during this unhappy man's life.'

Maule's eyes were now riveted on the clergyman as though he were an accessory to the murder.

'Five thousand three hundred and four,' he repeated, 'by the same person, however respectable and beloved as a pastor he might be, was what few of us could have gone through unless we were endowed with as much strength of mind as power of endurance.

'I was going to ask you, sir, did the idea ever strike you when you talked of this unhappy being suddenly leaving your ministrations and turning Sabbath-breaker, that after thirty-four years he might want a little change? Would it not be reasonable to suppose that the man might think he had had enough of it?'.

'It might, my lord.'

'And would not that in your judgment, instead of showing that he was insane, prove that he was *a very sensible man?*'

The Vicar did not quite assent to this, and as he would not dissent from the learned Judge, he said nothing.

'And,' continued Maule, 'that he was perfectly sane, although he murdered his wife?'

All this was very clever, not to say facetious, on the part of the learned Judge, but as I had yet to address the jury, I was resolved to take the other view of the effect of the Vicar's sermons, and I did so. I worked Maule's quarry, I think, with some little effect; for after all his most strenuous exertions to secure a conviction, the jury believed, probably, that no man's mind could stand the ordeal; and, further, that any doubt they might have, after seeing the two

children of the prisoner in court dressed in little black frocks, and sobbing bitterly while I was addressing them, would be given in the prisoner's favour, which it was. This incident in my life is not finished. On the same evening I was dining at the country house of a Mr. Hardcastle, and near me sat an old inhabitant of the village where the tragedy had been committed.

'You made a touching speech, Mr. Hawkins,' said the old inhabitant.

'Well,' I answered, 'it was the best I could do under the circumstances.'

'Yes,' he said; 'but I don't think you would have painted the little home in such glowing colours if you had seen what I saw last week when I was driving past the cottage. No, no; I think you'd have toned down a bit.'

'What was it?' I asked.

'Why,' said the old inhabitant, 'the little children who sobbed so violently in court this morning, and to whom you made such pathetic reference, were playing on an ash-heap near their cottage; and they had a poor cat with a string round its neck, swinging backwards and forwards, and as they did so they sang:

'"This is the way poor daddy will go!
This is the way poor daddy will go!"

Such, Mr. Hawkins, was their excessive grief!'

Yes, but it got the verdict.

CHAPTER VI

HOW I TOOK TWENTY-TWO POINTS AGAINST A CONVICTION

Two incidents in my very junior days have left their impression duly stamped on my mind. So true is it that the most endurable mementos are the unkindnesses inflicted upon us, especially in those days when they might have ruined our chances of success.

Before Lord Abinger and three other Judges I was holding my first brief *in banc*. It was doubtless a very bad case, or perhaps I should not have been entrusted with it. I was holding it for my old and respected tutor. But being so bad a case made it, as I thought, the less necessary for four mighty Judges to come down upon me like sledge-hammers at every argument I used.

But I remember chiefly Abinger, whose manner was rude and unkind to a degree. *This is sixty years ago!* But can a man blot out memory? If he would try to forget, the effort itself would make him remember. I was arguing away in fine style, having recovered from that nervous sensation which kills many a good advocate, and thought I was doing pretty well. I was persistently pressed upon this point, and that, by first one of my lords and then another; but I as persistently

held on, perhaps a little too pertinaciously, when Lord Abinger, with his white cambric to his eye, which was painfully affected and probably accounted for his temper, put to me a string of questions in this form:

'What would you say, sir, if so and so were the case'—a set of supposititious facts of the most embarrassing character, and of the relevancy of which I had not the slightest conception—'what would you say, sir, if so and so, and if such and such, and this and that, were the case?'

He was trying to ensnare me, so, to avoid the entanglement I answered, rather boldly, I dare say:

'My lord, I should say that that case was not this case.'

Abinger started back like a broken bow, and snappishly said:

'I did not say it was, young man. Go on.'

And on I went until, very shortly after, the whole four Barons mercilessly set upon me, and mercifully put me out of my misery. That was my first attempt at 'sticking up to the court *in banc*.' You must have a very strong case if you succeed; and if your case is strong, you will not require, or did not in those days require, much argument to make them see it.

Not long after, Abinger came my circuit. This was the last we saw of him, for he died at Bury St. Edmunds, and was succeeded by a man who was at all points a scholar, a lawyer, and a gentleman, who would, and who could, never behave discourteously to anyone who approached him. His court was the most agreeable of any I ever practised in. He was Sir Frederick Pollock.

The other incident I refer to was before Gurney (J.),

a man the very opposite of his son, Russell Gurney, late Recorder of London, and the best criminal Judge, I think, of my time. He was, moreover, all kindness and courtesy, without lacking firmness and resolute impartiality. 'I not only,' said he, 'wish to believe myself and to know myself to be impartial; I want the poor wretch I try to believe and know it too.' However, I am speaking of his father, before whom I had a defence on behalf of a poor servant girl, who was accused of murdering her illegitimate child.

I had prepared my arguments most elaborately, and hoped to distinguish myself in this first case of murder. Alas! when the prisoner was arraigned she was only indicted for concealment of birth, and the ground was cut from under my feet. My disappointment, no doubt, was great, for I was pretty certain as to what would be the result of my efforts in the more serious case. At that time I had had no experience to enable me to change my tactics, and set up another line of defence on the spur of the moment. I must defend for murder or nothing. I therefore delivered my oration in its original form. This was a blunder, but did not warrant Gurney in making a sneering attack on my juvenile efforts as he did. In summing up the case to the jury, instead of making a kind and good-natured excuse for its inapplicability, he spoke with cutting bitterness. It was so ill-natured that I remember his words to this hour, and can hear the sarcastic tone in which he uttered them.

'Gentlemen,' he said, 'the speech that has just been delivered to you was evidently prepared by the *young gentleman for another occasion.*'

Denman was a different kind of man, almost too dignified for small occasions, and too stern for trifling foibles. His manner was not encouraging to young counsel, but he never wilfully discomfited them, or prevented them from freely discharging their duty to their clients. This is the first thing a Judge should consider in his relations with counsel. He was neither a great lawyer nor an orator, but knew enough law to make his arguments powerful, and spoke with sufficient solemnity to make them respected. He was not an express train that moved with rapidity, but a slow luggage that carried weight.

At this time I was in considerable practice as a 'devil,' and when I held a brief always endeavoured to make the most of it. To show how we learn by steady and persistent study of the art of advocacy, I laid it down very early in my career that *an advocate should never have too many points.* Concentration is the art of argument. If you are diffuse you will be cut up in detail; if you advance with compactness and precision you will be irresistible. The case I was next entrusted with was for the purpose of quashing a conviction against which I, believing it to be wrong, raised no less than *two-and-twenty nice points of law*, any one of which, had it been sound, would have been sufficient to acquit the prisoner. In laying down the rule that the fewer points you take the better, so that they be sound, I ought to say I am repeating the advice Denman once gave me, and which I proved by my own experience, and especially in the present case, to be right.

'Remember also,' he said, 'to put forth your best points first, for the weak ones are very likely

to prejudice the good ones if they take the lead. It would be better advice to say never bring them forward at all, because they are useless.'

I argued ten of my points with great persistency, and they seemed conclusive. The court listened, I must say, with exemplary patience, and then, without the slightest compunction, overruled them all at one fell stroke, and with almost one word.

The next ten I took with persevering energy, and the court bestowed no attention on them. They shared the fate of their predecessors.

I had now my remaining two, kept till the last because I thought they were substantial. Alas! when I put them before the court not one of the Judges listened to me. They talked quietly to one another, bestowing on me an occasional glance, and then, Denman, who had given me such good advice, now gave judgement against me in these simple words:

'There is nothing in any of Mr. Hawkins' arguments;' and the Judge smiled. A smile from Denman made great amends for his adverse judgment; he was a man who never smiled except as a matter of courtesy.

At this part of my eventful career I look back with mixed feelings of pleasure and discomfort; the pleasure being that I overcame many difficulties, the discomfort that I was always pulling against the collar. The ordeal was great, and I always seemed to get hold of the wrong cases. They taught me lessons, however, that I could never have learnt in any other form of advocacy. Had I always had good cases, I could never have learnt how to win a bad one, and when I got a good case I knew how to let it win itself;

like a rider on the best mount in the field—if the horse cannot win, the jockey cannot.

There is a little story with the title 'Perry and the Burglary' which crosses my mind at this moment. It was a curious case in many of its circumstances. A man was tried for participation in a burglary at the house of one whose name was Nehemiah Perry, a farmer, who had married in early life a gipsy girl—a real gipsy, with flaming eyes and black hair. After a time, whether from her wild Bohemian disposition or some other cause I know not, she had ceased to live with her husband, and had been absent from him for some years. Nor do I think he had ever seen her since their separation.

For some reason or other, perhaps without reason, he was under the apprehension that an attack would be made upon his house. He lived with a brother in a lonely farm in Essex. His house was provided with all necessary bolts and bars, and he always had a loaded gun by his bedside. Such precautions he deemed necessary for his safety.

His apprehensions were verified. One night a burglarious attack was made, whether by professionals or amateurs or those he had suspected, I cannot say, nor was it ever ascertained.

On hearing a noise in the dead of night immediately underneath his room, Nehemiah seized his gun and proceeded to the top of the stairs. Peering down through the gloom, he discerned a man in a mask stealthily coming along the passage and holding a light in his hand. The moment he appeared Perry levelled his gun, fired, and killed him on the spot.

Perry kept his position, knowing there were others

in the neighbourhood. Nehemiah's brother slept on the opposite side of the landing, and was aroused by the report of the gun. On going to the spot, he was saluted with the exclamation, 'Tom, I've snuffed his candle out!'

The brothers talked matters over, without any proposition to investigate the matter, left the dead burglar lying in the passage, and went to their respective rooms, where each of them fell into a sound sleep as if nothing had happened.

After some time, and while it was yet night, they were awakened once more by a sound of footsteps, as if some persons were dragging the dead body along the passage. This continued for some time, and then all was still except for an occasional whisper. They sat up, and having listened for a considerable time, heard the front-door closed, and then slept quietly till the morning.

When the farm servants arrived, they were horrified to find the corpse outside the door. It was presumed by the police that the persons who came to drag it away did so to prevent identification, and found it too difficult a task. However, be that as it may, they left it in the garden near a hedge.

Perry, who never seemed to lose his presence of mind, and acted with the greatest coolness, in order to preserve evidence of identity, caused the body to be removed to his little study, a cold room on the east side of the house, and, it being winter and frosty, thought it pretty safe.

Why he did not communicate immediately with the police I never learnt, but, nevertheless, in a few days a man was arrested and taken to the farm-

house. There he was confronted with his dead companion, and confessed that he had been engaged with him in the act of burglary when the deceased was shot.

He afterwards admitted that he and several others of the gang had dragged his body down the passage with a view to removal so as to prevent identification, but the task being too difficult, they resolved to carry it to an outhouse where they had previously lain concealed; that they intended to place it next to the wooden partition of the chaff-house, and then set fire to the range of buildings so as to burn and consume the body. Some noise—I believe the barking of the house-dog—alarmed them, and prevented this from being carried out.

The prisoner was convicted before Lord Chief Baron Pollock, who gave him merely a short imprisonment, observing, as he passed sentence, that he 'thought there was a little hard-headedness in the way in which the body had been used for the purpose of identification.'

But the singular part of this story is to come. The solicitors for the prosecution told me that the body *was packed up in a hamper by the Perrys* and conveyed as a *Christmas present* to a young friend of Nehemiah's, who was a student at Addenbrook Hospital at Cambridge, for the purpose of dissection.

Not to conclude the chapter with so gruesome a story, I will mention a little compensation case in which I was engaged. A claimant for damages charged, as part of his expenses attendant upon his loss, twenty shillings a week for the feed of a poor old horse, which looked, and undoubtedly was, nearly starved.

I did not believe the plaintiff's story, and feeling for the poor animal very sincerely, I said, with some degree of warmth:

'Oh, gentlemen, it makes me sad to think of that poor horse, who from his very heart must wish his master was speaking the truth!'

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

CHAPTER VII

NEWMARKET HEATH

My first visit to Newmarket Heath had one or two little incidents which may be interesting, although of no great importance. The Newmarket of to-day is not quite the same Newmarket that it was then; many things connected with it have changed, and, above all, its frequenters have changed; and if 'things are not what they seem,' they do not seem to me, at all events, to be what they were 'in my day.'

Sixty years is a long space of time to traverse, but I do so with a very vivid recollection of my old friend Charley Wright.

Many of us can remember Hermit winning the Derby, with his colours indistinguishable in the snowstorm; but I am going back a long way beyond Hermit's year; beyond the Flying Dutchman and Voltigeur, and other famous winners of the blue riband of the Turf.

It was on a bright October morning when we set out, and glad enough was I to leave the courts at Westminster and the courts of the Temple, especially my native den, for I seemed to have been born at the top of Elm Court, where I sat like a bird moping in its cage for so many years—glad enough to break loose

from the thraldom of nothing to do and get away into the beautiful country.

Charley and I were always great friends; we had seen so much together, especially of what is called 'the world,' which I use in a different sense from that in which we were now to seek adventures. We had seen so much of its good and evil, its lights and shades, and had so many memories in common, that they formed the groundwork of a lasting friendship.

He was the only son of an almost too indulgent father, who was the very best example of an old English gentleman of his day you could ever meet. He also had seen a good deal of life, and was not unfamiliar with any of its varied aspects. He was intellectual and genial, and dispensed his hospitality with the most winning courtesy. To me he was all kindness, and I have a grateful feeling of delight in being able in these few words to record my affectionate reverence for his memory.

It was at his house in Pall Mall where I met John Leach and Percival Leigh. Mr. Wright called me his Lord Chancellor when I was in their company, with the best of fellowship and good feeling. Indeed, you experienced nothing else amongst the bright geniuses of those days—men who met under the hospitable roofs of those who appreciated their talents.

But I digress as my mind goes back to these early dates, like one 'looking up' something in an encyclopædia, and unless I break away, Charley and I will not reach Newmarket in time for the race. It happened that when we made this memorable visit I had an uncle living at The Priory at Royston, which was some five-and-twenty miles from Newmarket, where the big

handicap, I think the Cesarewitch, was to be run the following day, or the next—I forget which.

But an interesting episode interrupted our journey to the Heath. To our surprise, and no little to our delight, there was to be an important meeting of the 'Fancy' to witness a great prize-fight between Jack Brassy and Ben Caunt.

Ben Caunt was the greatest prize-fighter, both in stature and bulk, as well as in strength, I ever saw. He looked what he was—then or soon after—the champion of the world.

Brassy, too, was well made, and seemed every whit the man to meet Caunt. The two, indeed, were equally well made in form and shape, and as smooth cut as marble statues when they stripped for action.

The advertisements had announced that the contest was to come off at, 'or as near thereto as circumstances permitted' (circumstances here meaning the police), the village of Little Bury, near Saffron Walden.

At the little inn of the village some of the magnates of the Ring were to assemble on the morning of the fight for an early breakfast, to which Charley and I had the good fortune to be invited by Jack Brassy's second, Peter Crawley, another noted pugilist of his day.

It was different weather from that we enjoyed in the morning, for the rain was pouring down in torrents, and we had a drive of no less than fifteen miles before us to the scene of action. Vehicles were few, and horses fewer. Nothing was to be had for love or money, as it seemed. But there was at last found one man who, if he had little love for the prize-ring, had much reverence for the golden coin that

supported it. He was a Quaker. He had an old gig, and, I think, a still older horse, both of which I hired for the journey, the Quaker, of course, pretending that he had no idea of any meeting of the 'Fancy' whatever. Nor do I suppose he would know what that term implied.

If ever any man in the world did what young men are always told by good people to do—namely, to persevere—I am sure we did, Charley and I, with the Quaker's horse. Whether he suspected the mission on which we were bent, or was considering the danger of such a scene to his morals, I could not ascertain, but never did any animal show a greater reluctance to go anywhere except to his quiet home.

Charley plied the whip while I tugged the reins. Then he jumped out and patted the animal, tried to coax him with soft words, and then felt himself pulled along as the creature went backwards, I all the while exercising my utmost patience, for otherwise nothing could have prevented me from swearing.

However, I leave that part of my description to sketch another phase or two of the great scene.

Your happiness at these great gatherings depended entirely upon the distance or proximity of the police. If they were pretty near, the landlord of the inn would hesitate about serving you, and if he did, would charge a far higher price in consequence of the supposed increased risk. He would never encourage a breach of the peace in defiance of the county magistrates, who were the authority to renew his license at Brewster Sessions. So much, then, if the officers of justice were *near*.

If they happened to be absent, which, as I have

said, occasionally occurred when a big thing was to come off, there was then a dominant feeling of social equality which you could never see manifested so strongly in any other place. A gentleman would think nothing of putting his fingers into your pockets and abstracting your money, and if you had the hardihood to resent the intrusion, would think less of putting his fist into your eyes.

Here met the high-souled noble and low-browed villain from the foul slums of Whitechapel; the thimble-rig who showed you where the little pea was, and the gentleman who pointed out which was the 'loop in the garter' that 'held' the wire you were asked to insert, at the odds of two sovereigns to one, that you could not find it. They could safely have laid a hundred to one. We were by no means certain, as I learned, that our fight would come off after all, for it appeared the magistrates had given strict and specific instructions to the police that no combat was to take place in the county of Essex. Consequently the parties, whose duty it was to make preparations, had fled from that respectable county and gone away towards Six Mile Bottom, just in one of the corners of Cambridgeshire, as if the intention was that the dons of the University should have a look in. Constables slept more soundly in Cambridgeshire than in Essex. Moreover, the Essex magistrates would themselves have a moral right to witness the fight if it did not take place in their county.

Thus, breakfastless since five o'clock, we turned our horses' heads towards this celebrated rendezvous, and I must say our four-footed Quaker seemed better pleased with this part of the journey, as it was more

in the direction of his home. Charley had discovered by this time that he was not accustomed to the whip, for instead of urging him forward it produced the contrary effect. He planted his fore-legs firmly in the mud, and flashed his hind ones in the air. However, we got along by slow degrees towards the honoured spot, and when we came up with the crowd—oh !

Such a scene I had never witnessed in my life, nor could have conceived it possible on this earth or anywhere out of that abyss, the full description of which you will find in ' Paradise Lost.'

It was a procession of the blackguardism of all ages and of all countries under heaven. The sexes were apparently in equal numbers and in equal degrees of ugliness and ferocity. There were faces flat for want of noses, and mouths ghastly for want of teeth ; faces scarred, bruised, battered into every shape but what might be called human. There were fighting-men of every species and variety—men whose profession it was to fight, and others whose brutal nature it was ; there were women fighters, too, more deadly and dangerous than the men, because they added cruelty to their ferocity. Innumerable women there were who had lost the very nature of womanhood, and whose mouths were the mere outlet of oaths and filthy language. Their shrill clamours deafened our ears and subdued the deeper voices of the men, whom they chaffed, reviled, shrieked at, yelled at, and swore at by way of *fun.*

Amidst this turbulent rabble rode several members of the peerage, and even Ministerial supporters of the noble art,' exchanging with the low wretches I have mentioned a word or two of chaff or an occasional

laugh at the grotesque wit and humour which are never absent from an English crowd.

As we approached the famous scene, to which everyone was looking with the most intense anticipation, the crowd grew almost frenzied with expectancy, and yet the utmost good-humour prevailed. In this spirit we arrived at Bourne Bridge, and thence to the place of encounter was no great distance. It was a little field behind a public-house.

Every face was now white with excitement, except the faces of the combatants. They were firm set as iron itself. Trained to physical endurance, they were equally so in nerve and coolness of temperament, and could not have seemed more excited than if they were going to dinner instead of to one of the most terrible encounters I ever witnessed.

To those who have never seen an exhibition of this kind it was quite amazing to observe with what rapidity the ropes were fixed and the ring formed; nor were the men less prompt. Into the ring they stepped with their supporters, or seconds, and in almost an instant the principals had shaken hands and were facing each other in what well might be deadly conflict. There were illustrious members of all classes assembled there, members probably of all professions, men who afterwards, as I know, became great in history, politics, law, literature, and religion, for it was a very great fight, and attracted all sorts and conditions from all places and positions. Nothing since that fight, except Tom Sayers and the 'Benicia Boy,' has attracted so goodly and so fashionable an audience and so fierce an assembly of blackguards.

But in the time of the latter battle the decadence of

the Ring was manifest, and was the outcome of what is doubtless an increasing civilization. At the time of which I am now speaking the Prize Ring was one of our fashionable sports, supported by the wealthy of all classes, and was supposed to contribute to the manliness of our race; consequently our distinguished warriors, as well as the members of our most gentle professions, loved a good old-fashioned English 'set-to,' and nobody, as a rule, was the worse for it, although my poor brother Jack never recovered his half-crowns.

We had been advised to take our cushions from the gig to sit upon, because the straw round the ring was soddened with the heavy rains, and I need not say we found it was a very wise precaution. The straw had been placed round the ring for the benefit of the élite, who occupied front seats.

The fight now began, and, I must repeat, I never saw anything like it. Both pugilists were of the heaviest fighting weights. Caunt was a real giant, ugly as could be by the frequent batterings he had received in the face. His head was like a bull-dog's, and so was his courage, whilst his strength must have been that of a very Samson; but if it was, it did not reside in his hair, for that was short and close as a mouse's back.

At first I thought Brassy had the best of it; he was more active, being less ponderous, and landed some very ugly ones, cutting right into the flesh, although Caunt did not appear to mind it in the least. Brassy, however, did not follow up his advantage as I thought he ought to have done, and in my opinion dreaded the enormous power and force of his opponent in the event of his 'getting home.'

With the usual fluctuations of a great battle, the contest went on until nearly a *hundred rounds* were fought, lasting as many minutes, but no decisive effect was as yet observable. After this, however, Brassy could not come up to time. The event, therefore, was declared in Caunt's favour, and his opponent was carried off the field on a hurdle into the public-house, where I afterwards saw him in bed.

Thus terminated the great fight of the day, but not thus my day's adventures.

The sport was all that the most enthusiastic supporters of the Ring could desire. It no doubt had its barbarous aspects, regarded from a humanitarian point of view, but it was not so demoralizing as the spectacle of some poor creature risking his neck in a performance for which the spectator pays his sixpence, and the whole excitement consists in the knowledge that the actor may be dashed to pieces before his eyes.

It was time now to leave the scene, so Charley and I went to look for our gig (evidence of gentility from the time of Thurtell and Hunt's trial for the murder of Mr. Weare).

Alas! our respectability was gone—I mean the gig.

In vindication of the wisdom and foresight of Charley and myself, I should like to mention that we had entrusted that valuable evidence of our status to the keeping of a worthy stranger dressed in an old red jacket and a pair of corduroy trousers fastened with a wisp of hay below the knees.

When we arrived at the spot where he promised to wait our coming, he was gone, the horse and gig too; nor could any inquiries ascertain their whereabouts.

Whether this incident was a judgment on the Quaker, as Wright suggested, or one of the inevitable incidents attendant on a prize-fight, I am not in a position to say; but we thought it served the Quaker right for letting us a horse that would not go until the gentleman in the red jacket relieved us of any further trouble on that account.

Mistakes are so common amongst thieves, that one can never tell how the horse got away; but if I were put on my oath, knowing the proclivities of the animal, I should say that he was backed out of the field.

We were now, as it seemed, the most deplorable objects in creation. Without friends and without a gig, wet through, shelterless and breakfastless, amidst a crowd of drunken, loathsome outcasts of society, with only one solitary comfort between us—a pipe, which Charley enjoyed and I loathed. Drink is always quarrelsome or affectionate, generally the one first and the other after. When the tears dry, oaths begin, and we soon found that the quarrelsome stage of the company had been reached.

Amidst all this excitement we had not forgotten that this little matter of the prize-fight was but an incident on our journey to Newmarket, and thitherward we set our faces, not with an appearance which would have found us ready recognition in the Mall; but we cared nothing for the Mall, as we were not known by the fashion in the racing world, and as for the others, we should like to avoid them in any world.

You will wonder in these circumstances what we did. We waited where we were through the whole of that wet afternoon, and then, on a couple of hacks—how we obtained them I don't know; I never asked

Charley, and nothing of any importance turns upon them—we arrived at our comfortable Royston quarters about eight o'clock, tired to death.

We were received with a hearty welcome by my uncle, who was much entertained with our day's adventures. He liked my description of the fight, especially when I told him how Brassy 'drew Caunt's claret,' and showed such other knowledge of the scientific practice that no one could possibly have learnt had he not read up carefully *Bell's Life* for the current week.

I am sure my uncle thought I was one of the best of nephews, and I considered him in reality 'my only uncle.' Long, thought I, may he prove to be; and yet I never borrowed a penny from him in my life.

On the next day, fully equipped, and with all that was necessary for our distinguished position, we set out for Newmarket Heath, even now the glory of the racing world, not forgetting Goodwood, which is more or less a private business and fashionable picnic.

I shall not attempt to describe Newmarket. No one can describe the indescribable. I will only say it was not the Newmarket which our later generation knows. It was then in its crude state of original simplicity. There were no stands save 'the Duke's,' at the top of the town, and one other, somewhat smaller and nearer to the present grand-stand.

Those who could afford to do so rode on horseback about the Heath; those who could not walked if they felt disposed, or sat down on the turf, the best enjoyment of all if you are tired.

Being on our palfreys (now called 'hacks'), we rode

to and fro to 'The Old King,' and to the various starting and finishing posts.

I could tell something about the practices of the turf of those days, although I had not acquired much knowledge by experience. Indeed, I was so innocent that I cannot relate any of the details of the races of that day; but I recollect seeing a white horse whose name was Old Isaac, a well-known animal, and famous in his time. I do not know why I remember him, but I suppose he made the first impression on my mind, and many an 'old Isaac' have I met since, but not on four legs.

I took notice of those who were called 'the swells' of that day, an extinct race in ours, and who existed in great numbers; but they were a race of cannibals who ate one another up.

Amongst the celebrities of the turf I remember seeing Harry de Ratcliffe, who was connected with George IV.'s racing establishment, and whose name was even known to me when a boy at Hitchin, although I could not have told why or how I knew it.

CHAPTER VIII

MY FIRST BRIEF

I NOW returned to the more commonplace and familiar scenes of Elm Court. Newmarket had been a great pleasure, but a greater was in store.

No man at the Bar can forget the joy of his first brief—that wonderful oblong packet of white papers, tied with the mysterious pink tape, which his fourth share of the diminutive clerk brings him, marked with the important '1 gua.'

I speak not to stall-fed juniors who have not to wait till their merits are discovered, and who know that whosoever may watch and wait and hope or despair, they shall have enough. All blessings go with them; I never envied them their heritage. They are born to briefs as the sparks fly upwards. I tell my experience to those who will understand and appreciate every word I say; to men who have to make their way in the world by their own exertions, and live on their own labour or die of disappointment. There is one consolation even for the wretched waiters on solicitors' favours, and that is, that the men who have never had to work their way seldom rise to eminence or to any position but respectable mediocrity. They never knew hope, and will never know what it

is to despair, or to nibble the short herbage of the common where poorer creatures browse.

A father never looked on his firstborn with more pleasure than a barrister on his first brief. If the Tower guns were announcing the birth of an heir to the throne, he would not look up to ask, 'What is that?'

It was the turning-point of my life, for had there been no first brief pretty soon, I should have thought my kind relations' predictions were about to be verified. But I should never have returned home; there was still the stage left, on which I hoped to act my part.

Strange to say, my first brief, like almost everything in my life, had a little touch of humour in it.

I was instructed to defend a man at Hertford Sessions for stealing a wheelbarrow, and unfortunately the wheelbarrow was found on him; more unfortunate still—for I might have made a good speech on the subject of the *animus furandi*—the man not only told the policeman he stole it, but pleaded 'Guilty,' before the magistrates. I was therefore in the miserable condition of one doomed to failure, take what line I pleased. There was nothing to be said by way of defence, but I learnt a lesson never to be forgotten.

Being a little too conscientious, I told my client, the attorney, that in the circumstances I must return the brief, inasmuch as there was no defence for the unhappy prisoner.

The attorney seemed to admire my principle, and instead of taking offence, smiled in a good-natured manner, and said it was no doubt a difficult task he had imposed on me, and would exchange the brief for another. He kept his word, and soon after returned

with a much easier case, a prosecution where the man pleaded 'Guilty.' It was a grand triumph, and I was much pleased.

Those were early days to begin picking and choosing briefs, for no man can do that unless he is much more wanted by clients than in want of them; but I learned the secret in after-life of a great deal of its success.

I was, however, a little chagrined when I saw the mistake I had made. Rodwell was leader of the sessions, and ought to have been far above a guinea brief; judge, then, of my surprise when I saw that same brief a few minutes after accepted by that great man, the brief I had refused because there was nothing to be said on the prisoner's behalf. My curiosity was excited to see what Rodwell would do with it, and what defence he would set up; it was soon gratified. He simply admitted the prisoner's guilt, and hoped the chairman, who was Lord Salisbury, would deal leniently with him.

I could have done that quite as well myself, and pocketed the guinea. From that moment I resolved never to turn a case away because it was hopeless. I could always find something to say, and if I could not I could find someone to say it for me. I did a deal of practice in that way in after-years to the advantage of many of my friends.

Their name was 'Legion.'

CHAPTER IX

AN EPISODE AT HERTFORD QUARTER SESSIONS

HEARSAY is not, as a rule, evidence in a court of justice. There are one or two exceptions which I need not mention. If you want, therefore, to say what Smith said, you cannot say it, but must call Smith himself, and probably he will swear he never said anything of the sort.

The Marquis of Salisbury, in the early days that I speak of, was a kind-hearted chairman, and would never allow the quibble of the lawyer to stand in the way of justice to the prisoner. In those days at sessions they were not so nice in the observances of mere forms as they are now, and you could sometimes get in something that was not exactly evidence, strictly speaking, in favour of a prisoner by a side-wind, as it were, although it was not the correct thing to do.

It happened that I was instructed to defend a man who had been committed to Hertford Quarter Sessions on a charge of felony. The committing magistrates having refused to let the man out on bail, an application was made at Judges' Chambers before Mr. Baron Martin to reverse that decision, which he did.

'Not a rag of evidence,' said the attorney's clerk when he delivered the little brief—'not a shadder of evidence, Mr. 'Awkins. It's a walk-over, sir.'

I knew that meant a nominal fee, but wondered how many more similes he was going to deliver instead of the money. But to the honour of the solicitor, I am bound to say that point was soon cleared up, and the practice of magistrates supposed to be in their right minds, committing people for trial with no 'shadder' of evidence against them, it now became my duty to inquire into. I asked how he knew there was no evidence, and whether the man bore a respectable character.

'Oh, I was up before the Baron,' he answered. ('Yes,' I thought, 'but you must wake very early if you are up too soon for Baron Martin.') 'And the Baron said, as to grantin' bail, "Certainly he should; the magistrates had no business to commit him for trial, for there was not a rag of a case against the man." So you see, sir, it's a easy case, Mr. 'Awkins, and as the man's a poor man, we can't mark much of a fee.'

The usual complaint with quarter sessions solicitors.

Such were my instructions. I was young in practice at that time, and took a great deal more in—I mean in the way of credulity—than I did in after-life. Nor was I very learned in the ways of solicitors' clerks. I knew that hearsay evidence, even in the case of a judge's observation, was inadmissible, and, therefore, what the Baron said could not strictly be given; but I did not know how far you might go in the country, nor what the Marquis's opinion might be of the Baron. I therefore mentioned it to Rodwell, who, of course, was instructed for the prosecution; he was, in every-

thing, on one side or the other—never, I believe, on both.

This stickler for etiquette was absolutely shocked; he held up his hands, began a declamation on the rules of evidence, and uttered so many Pharisaical platitudes that I only escaped annihilation by a hair's-breadth. He was always furious on etiquette.

Much annoyed at his bumptious manner, I was resolved now, come what would, to pay him off. I wanted to show him he was not everybody, even at Hertford Sessions. So when the case came on and the policeman was in the box, I rose to cross-examine him, which I did very quietly.

'Now, policeman, I am going to ask you a question, but pray don't answer it till you are told to do so, because my learned friend may object to it.'

Rodwell sprang to his feet and objected at once.

'What is the question?' asked the Marquis. 'We must hear what the question is before I can rule as to your objection, Mr. Rodwell.'

This was a good one for Mr. Rodwell, and made him colour up to his eyebrows, especially as I looked at him and smiled.

'The question, my lord,' said I, 'is a very simple one: Did not Mr. Baron Martin say, when applied to for bail, that there was not a rag of a case against the prisoner?'

'This is monstrous!' said the learned stickler for forms and ceremonies—'monstrous! Never heard of such a thing!'

It might have been monstrous, but it gave me an excellent grievance with the jury, even if the Marquis did not see his way to allow the question;

and a grievance is worth something, if you have no defence.

The Marquis paid great attention to the case, especially after that observation of the Baron's. Although he regretted that it could not be got in as evidence—he was good enough to say I should get the benefit of it with the jury.

All this time there was a continuous growl from my learned friend of 'Monstrous! monstrous!' so much so that for days after that word kept ringing in my ears, as monotonous as a muffin bell on a Sunday afternoon.

But I believe he was more irritated by my subsequent conduct, for I played round the question like one longing for forbidden fruit, and emphasized the objection of my learned friend now and again—all very wrong, I know now, but in the heyday of youthful ardour how many faults we commit!

'Just tell me,' I said to the policeman, 'did the learned Judge—I mean Mr. Baron Martin—seem to know what he was about when he let this man out on bail?'

'Oh yes, sir,' said the witness, 'he knowed what he was about, right enough,' stroking his chin.

'You may rely on that,' said the Marquis. 'You may take that for granted, Mr. Hawkins.'

'I thought so, my lord; there is not a Judge on the Bench who can see through a case quicker than the Baron.'

The grumbling still continued.

'Now then, don't answer this.'

'You have already ruled, my lord,' said Rodwell.

'This is another one,' said I; 'but if it's regular to keep objecting before the prisoner's counsel has a chance of putting his question, I sit down, my lord.

I shall be allowed, probably, to address the jury—that is, if Mr. Rodwell does not object.

The noble Marquis, on seeing my distress, said:

'Mr. Hawkins, the question needs no answer from the policeman; you will get the benefit of it for what it is worth. The jury will draw their own conclusions from Mr. Rodwell's objections.'

As they did upon the whole case, for they acquitted, much to Mr. Rodwell's annoyance.

'Now,' said the Marquis, 'let the officer stand back. I want to ask what the Baron really did say when he let this man out on bail.'

'My lord,' answered the witness, 'his lordship said as how he looked upon the whole lot as a *gang of thieves.*'

'You've got it now,' said Rodwell.

'And so have you,' said I. 'You should not have objected, and then you would have got the answer he has just given.'

I subjoin a copy of my first brief, as my readers may like to see it, and will give some account of one that was offered me fifty years after, in its proper place.

It must be remembered that in those days the gallows was a very popular institution; they hanged for the most trivial offences, and this case would have been considered a very serious one; while a sentence of seven years' transportation was almost as good as an acquittal.

Herts. *No.* 10.

Michaelmas Sessions,
1844.
Regina
v.
Elizabeth Norman.

Brief for the Prosecution.

Mr. Hawkins,
1 Gua.
H. Hawkins.

Plea—Guilty.
H. H.
Oct. 14, 1844.

Transported for 7 years.
H. H.

Cobham.
Ware.

These are my notes:

Sep. 20.

Mr. Page.
Silk shawl.
Apprehension.

Various accounts.
Exam. before J—— J——

Prop^{y} found.

Mrs. Stevens, } Witnesses.
Mr. Johnson, }

I made a rule throughout my professional life to note my cases with the greatest care.

CHAPTER X

HOW I ESCAPED FROM A DANGEROUS SITUATION

A NAME occurs to my mind which I learned when in a very striking situation, and which recurred half a century later, when I had attained a different position. But that circumstance will be told in its proper order.

I had been to Paris in the summer of 18— for a little holiday, and was returning in the evening, after some races had taken place near that city. I had not attended them, and was, in fact, not aware that they were being held; but I soon discovered the fact from finding myself in the midst of the motley crowd which always throng railway-stations on such occasions, only at this particular day they were a little worse than usual. The race-meeting had brought together the roughs of all nations, and especially from England. As it seemed to me, my fellow-countrymen always took the lead in this kind of competition. I was surrounded with a sea of faces resembling those I met on the way to the prize-fight—shapeless faces, low-browed, flat and evil-looking. It seemed as if I was doomed to study this peculiar phase of mankind. If so, I was prepared to make the best of my opportunities, and learn as much as I could in as short a time.

I was endeavouring to get to the booking-office amongst the rest of the crowd, and there was far more pushing and struggling than was at all necessary for that purpose. Presently a burly ruffian, with a low East-End face of the slum pattern and complexion, rolled out a volley of oaths at me for pushing against him. I did not push against him, for he was the last object I would have come in contact with if I could have avoided it. He asked me where the —— I was pushing and what game I was up to, as though I was a professional pickpocket like himself. He had the advantage of me in being surrounded by a gang of the most loathsome blackguards you could imagine, while I was without a friend.

The bully turned his scarred, blotched, bloated face partly round, and continued his questions as to what I wanted and where I wished to go to, being evidently anxious for a row, in which I should have been hustled and robbed without a chance of escape. Indeed, it would have been providential to have escaped the lock-up. I spoke, therefore, very civilly, and said the crowd were pushing behind and forcing me forward. The brute was annoyed at my coolness, and irritated all the more.

Hitherto his language had not been strong enough to frighten me, so he improved its strength by some tremendous epithets, considerably above proof. I think he must have enjoyed the exclusive copyright, for I never knew his superlatives imitated. He finished the harangue by saying that he would knock my head off if I said another word.

To this I replied, with a look stronger than all his language, 'No, you won't!'

My look must have been strong, because the countenances of the bystanders were a little subdued.

'Why won't I, muster?' he asked.

'For two reasons,' I said: 'first, because you won't try, and secondly, because you could not if you did.'

He was somewhat tamed, and I then lifted my hat, so that he could see my close-cropped hair, which was as short as his own, only not for the same reason. 'You don't seem to know who I am,' I added, hoping he would now take me for a member of the prize-ring. But my appearance did not frighten him. I had nothing but my short-cropped hair to rely on; so in self-defence I had to devise another stratagem. To frighten him one must look the ruffian in the face, or look the ruffian that he was. He continued to abuse me as we passed on our way to the booking-office window, and I have no doubt he and his gang were determined to rob me. One thing was common between us — we had no regard for one another. I now assumed as bold a manner as I could and a rough East-End accent: 'Look-ee 'ere,' said I: 'I know you don't keer for me no more 'an I keers for you. I ain't afraid o' no man, and I'll tell you what it is: it's your ignorance of who I am that makes you bold. I know you ain't a bad un with the maulers. Let's have no more nonsense about it here. I'll fight you on Monday week, say, for a hundred a side in the Butts, and we'll post the money at Peter Crawley's next Saturday. What d'ye say to that?'

Peter Crawley, whom I have already mentioned as inviting me to breakfast, was like a thunderclap to him. I must be somebody if I knew Peter Crawley, and now he doubtless bethought him of my short hair.

I must confess if the fellow had taken me at my word I should have been in as great a funk as he was, but he did not, and so I posed as well as the narrow limits of my position enabled me, as a great pugilist, only waiting for the stakes to be covered. I beat him at the game of bluff.

'I don't want no row,' he said; and at that moment a voice in the crowd behind was heard.

'It's a fair offer, Joe, the gent makes—it's a fair offer; it's right enough. Let's have no row.'

The man who spoke was Coney, whose name years after was destined to figure in the English law reports in a leading case, which I will speak of by-and-by.

However, my challenge was boldly delivered and as boldly declined, so I escaped from that awful gang of Whitechapel thieves and pickpockets unhurt, with my head still on my shoulders, to be turned to more useful purposes in future times.

A curious incident happened once in the rural district of Saffron Walden. It is a borough no doubt, but it always seemed to me to be too small for any grown-up thing, and its name sounded more like a little flower-bed than anything else. And yet it was a borough, and had its Recorder and other judicial and ministerial authorities, and I am even going to tell you how once upon a time it actually had a prisoner of sufficient proportions to match all the other attributes of its municipal existence.

I don't know how I came to be there on this particular occasion; perhaps I was merely lounging about for the purpose of improving my mind, and possibly contributing to my health.

However, at Saffron Walden I was, and there was

a great sensation because they had got a prisoner, an event which baffled the experience of the oldest inhabitant. Being known to one of the vergers, or whatever he was called (he acted as one of our javelin-men on circuit), I got in with more ease than I otherwise should; for if a court is crowded there's an end of a barrister's rights, unless he has business. This is merely by way of explanation.

The Recorder was an elderly barrister, full of pomp and dignity; and, like many of his brother Recorders, had very seldom a prisoner to try. You may therefore imagine with what stupendous importance he was invested when he found that the rural magistrates had committed a little boy for trial for stealing a *ball of twine*. Think of the grand jury filing in to be 'charged' by this judicial dignitary. Imagine his charge, his well-chosen sentences in anticipation of the one to come at the end of the sitting. Think of his eloquent disquisition on the law of larceny! It was all there!

The learned functionary was a small man, but by no means too small for the place; he would have fitted well enough at two or three sizes less. But what he lacked in stature he made up in dignity, for he distended his cheeks from time to time, as if to blow off the steam that gave him such power, and puffed away at his own greatness with every sign of self-approbation. Nobody could have done it better.

It should be known as widely as possible that persons in these dignified positions ought to comport themselves so as to show that they are perfectly indifferent to everybody else in the world.

After the usual proclamation against vice and immorality had been read, which the Recorder seemed to

think a high compliment to pay to the Saffron Walden people—as great as it would be if a man were to read it in his own family circle—and after the grand jury had duly found a true bill, the next thing was to find the prisoner and bring him up for trial.

We may not be sentimental, or I might have cried 'God save the child!' as the usher said 'God save the Queen!' But 'Suffer little children to come unto Me' would not have applied to our gaols in those miserable and inhuman times. Mercy and sympathy were out of the question when you had law and order to maintain, as well as all the functionaries who had to contribute to their preservation.

'Put up the prisoner!' said the Recorder in solemn and commanding tones.

Down into the jaws of the cavern below the dock descended the gaoler of six feet two—the only big thing about the place. He was a resolute-looking man in full uniform, and I can almost feel the breathless silence that pervaded the court during his absence.

Time passed, and no one appeared. When a sufficient interval had elapsed for the stalwart gaoler to have eaten his prisoner, had he been so minded, the Recorder, looking up from behind the *Times*, which he appeared to be reading, asked why the prisoner was not 'put up.' This was spoken in a very stern voice.

They did not put up the boy, but the gaoler, with a blood-forsaken face, put himself up through the hole, like a policeman coming through a trap-door in a pantomime.

'Why don't you bring up the prisoner?' asked the learned Recorder.

'I beg your honour's pardon, my lord, but they have forgot to bring him.'

'Forgot to bring him! What do you mean? Where is he?'

'They've left him at Chelmsford, your honour.

It seemed there was no gaol at Saffron Walden, because, to the honour of the borough, be it said, they had no one to put into it; and this small child had been committed for safe custody to Chelmsford to wait his trial at sessions, and had been there so long that he was actually forgotten when the day of trial came. I never heard anything more of him, but hope his small offence was forgotten as well as himself.

This, however, reminds me of a ludicrous circumstance of another kind that occurred when I was a small boy, and when those dignified beings in red and gold, known as beadles, were in full bloom, sometimes combining the more important office of sexton as well.

The sexton whom I remember was a stern man, and a most workman-like grave-digger. He had dug more graves than any living man; and used to say with a little levity concerning his vocation that he provided a home for everybody, and they never 'turned 'em out when he once put 'em in!'

His attire was not exactly clerical; nevertheless, of a mournful complexion and somewhat saintly—that is to say, when he was on Sunday duty. He always carried a long ash stick which he twirled occasionally round the bodies of small boys who misbehaved themselves on what he facetiously called his 'manor'—the manor of God's-acre. In fact, whenever he met a small boy it was his mode of discipline to give him a cut with his ash wand. If a boy slept in church he awoke him with that instrument, and thus prevented him from sleeping during the rest of the service.

This official's name was Morgan, and his duty was to assist the clergyman at funerals.

On one occasion a man was to be buried, and the bearers were four paupers from the workhouse. They were carrying a brother pauper to the only home he ever had; and as they were slowly wending their way to the grave, there came running at full speed a little boy shouting, 'Hould 'ard! hould 'ard!' The sexton saw him, and got his ash stick ready for its proper office. The boy dodged him with wonderful agility, but at last the ash knew too much for him, and came across him with such a swish that the boy leaped into the air.

Nothing daunted, he reached the clergyman, who was standing with his book ready to begin the service. 'Hould 'ard, sir!' he said—'hould 'ard! Please, sir, they've left Maister Farlow at hoame!'

I relate this as something that happened in my presence, and never set myself to solve the mystery. I have no doubt, however, that the mistake was speedily remedied and Maister Farlow duly deposited as a tenant in Morgan's manor.

CHAPTER XI

THE ONLY 'RACER' I EVER OWNED

I HAVE been often asked whether I ever owned a racer. In point of fact, I never did, although I went as near to that honour as any man who never arrived at it—a racer, too, who afterwards carried its owner's colours triumphantly past the winning-post.

The reader may have been shocked at the story I told of those poor ill-brought up children whose mother was murdered, from the natural feeling that if pure innocence is not to be found in childhood, where are we to seek it?

I will indicate the spot in three words—*on the Turf.*

True, you will find fraud, cunning, knavery, and robbery, but you will find also the most unsophisticated innocence.

I went as a spectator and a lover of sport and a lover of horses; and took more delight in it than I ever could in any haunt of fashionable idleness.

I amused myself by watching the proceedings of the betting-ring, where there is a good deal more honesty than in many places dignified by the name of 'marts.'

But if there was no innocence on the turf, rogues

could not live; they are not cannibals—not, at all events, while they can obtain tenderer food. And are there not commercial circles also which could not exist without their equally innocent supporters?

Experience may be a dear school, but its lessons are never forgotten. A very little should go a long way, and the wisest make it go farthest. If anyone wants a picture of innocence on the turf, let me give one of my own drawing, taken from nature.

All my life I have loved animals, especially horses and dogs; and all field sports, especially hunting and racing. But I went on the turf with as much simplicity as a girl possesses at her first ball, knowing nothing about public form or the way to calculate odds, to hedge, or do anything but wonder at the number of fools there were in the world. I did not know 'a thing or two,' like the knowing ones who lose all they possess. Who could believe that men go about philanthropically to inform the innocent how to 'put their money on,' while they carefully avoid putting on their own? Tipsters, in short, were no part of my racing creed. I was not so ignorant as that. I believed in a good horse quite as much as Lord Rosebery does, and much more than I believed in a good rider. But there were even then honest jockeys, as well as unimpeachable owners. All you can say is, honesty is honesty everywhere, and you will find a good deal of it on the turf, if you know where to look for it; and its value is in proportion to its quantity. The moment you depart a hair's-breadth from its immaculate principle there is no medium state between that and roguery.

However, be that as it may, I was once the owner

of a pedigree thoroughbred called Dreadnought, which was presented to me when a colt. Dreadnought's dam Collingwood was by Muley Moloch out of Barbelle. Dreadnought was good for nothing as a racer, and had broken down in training. As a castaway he was offered to me, and I gladly accepted the present.

Being too young to work, I sent him down to —— Park to be kept till he was fit for use. He was there for a considerable time, and was then sent back in a neglected and miserable condition.

I rode him for some time, until one day he took me to Richmond Park, and on going up the hill fell and cut both his knees to pieces and mine as well. This was a sad mishap, and, of course, I could have no further confidence in poor Dreadnought, fond of him as I was, so he was placed under the care of a skilful veterinary surgeon, who gave him every attention. His bill was by no means heavy, and he brought him quite round again.

In the course of time he acquired a respectable appearance, although his broken knees, to say nothing of his 'past,' prevented his becoming valuable so far as I was concerned. Certainly I had no expectation of his ever going on to the turf. How could one believe that any owner would think of entering him for a race?

One morning my groom came to me and said, 'I think, sir, I can find a purchaser for Dreadnought, if you have no objection to selling him; he's a gentleman, sir, who would take great care of him and give him a good home.'

'Sell him!' said I. Well, I should not object if he found a good master. I cannot ride him, and he is

practically useless. What price does he seem inclined to offer for him?'

'Well, he ain't made any offer, sir, but he seems a good deal took with him and to like the look of him. Perhaps, sir, he might come and see you. I told him that I thought a matter o' *fifteen pun* might buy un, I dunnow whether I did right, sir, but I told un you would never take a farden less. I stuck to that.'

'No,' said I, 'certainly not, when the vet'.s bill was twelve pounds ten—not a farthing less, James.'

When the proposed purchaser came, he said: 'It's a poor horse—a very poor horse; he wants a lot of looking after, and I shouldn't think of buying him except for the sake of seeing what I could do with him, for I am not fond of lumber, Mr. Hawkins—I don't care for lumber.'

It was straightforward, but I did not at the time see his depth of feeling. He was evidently intending to buy him out of compassion, as he had some knowledge of his ancestors; but I stuck to my fifteen pounds hard and fast, and at last he said: 'Well, Mr. Hawkins, I'll give you all you ask, if so be you'll throw in the saddle and bridle!'

I was tired of the negotiations, and yielded; so away went poor Dreadnought with his saddle and bridle, never for me to look on again. I was sorry to part with him, and the more so because his life had been unfortunate. But I was deceived in him as well as in his new master. From me he had concealed his merits, only to reveal them, as is often the case with latent genius, when some accidental opportunity offered.

At that time Bromley in Kent was a central

attraction for a great many second-class patrons of the sporting world. I know little about the events that were negotiated at Bromley and other small places of the kind, but there was, as I have been informed, a good deal of blackguardism and pickpocketing on its course and in its little primitive streets—lucky if you came out of them with only one black eye. They would steal the teeth out of your mouth if you did not keep it shut and your eyes open.

However, Bromley races came on some time after the sale of my Dreadnought. The next morning my groom came with a look of astonishment that seemed to have kept him awake all night, and said:

'You'll be surprised to hear, sir, that our 'oss has won a fifty-pound prize at Bromley, and a pot of money besides in bets for his owner.'

'Won a prize!' said I. 'Was it by standing on his head?'

'Won a *race*, sir.'

'Then it must have been a walk-over.'

'Oh no, sir; he beat the cracks, beat the favourites, and took in all the knowing ones. I always said there was something about that there 'oss, sir, that I didn't understand and nobody couldn't understand, sir.'

I was absolutely dumfoundered, knowing very little about 'favourites' or 'cracks.' My groom I knew I could rely upon, for he always seemed to be the very soul of honour. I thought at first he might have been misled in some Bromley tap-room, but afterwards found that it was all true—he had heard it from the owner himself, in whom the public seemed to place confidence, for they laid very long odds against Dreadnought.

The animal was famous, but not in that name; he had, like most honest persons, an alias. How he achieved his victory is uncertain; one thing, however, is certain: it must have been a startling surprise to Dreadnought to find himself in a race at all, and still more astonishing to find himself in front.

'How many ran?' I asked.

'Three, sir; two of 'em crack horses.'

At this time I took little interest in pedigrees, and knew nothing of the 'cracks,' so the names of those celebrated animals which Dreadnought had beaten are forgotten. One of them, it appeared, had been heavily backed at 9 to 4, but Dreadnought did not seem to care for that; he ran, not on his public form, but on his merits. My eyes were opened at last, and the whole mystery was solved when James told me that *all three horses belonged to the same owner!*

From that time to this I never heard what became of Dreadnought, and never saw the man who bought him, even in the dock. It is strange, however, that animals so true and faithful as dogs and horses should be instruments so perverted as to make men liars and rogues; while for intelligence many of them could give most of us pounds and pass us easily at the winning-post.

Take the little fox-terrier that I once owned many years before my faithful Jack saw the light. He used to sleep outside my bedroom on a mat, and one night woke me by scratching as though he would tear the door down. I knew something was the matter, and got up. The moment the door was opened he led me downstairs to a window on the landing at which a burglarious gentleman was endeavouring to enter. I

caught sight of the evil-looking brute, as he caught sight of Tim's teeth, and very soon felt them in his face, which was actually staring at us as he was getting through. But down he went with a heavy thud, and I could just see he was not killed, for his faithful companion supported him as they wended their way into the street. The terrier, meanwhile, aroused the whole neighbourhood, for there was no parliamentary way of closuring him, and never ceased to give the alarm until I carried him upstairs in my arms and put him to bed. Poor fellow! he died only a few weeks after.

But speaking of dogs and their ways reminds me of dog-stealers and *their* ways, of which some years ago I had a curious experience. I have told the story before, but it has become altered, and the true one has never been heard since. Indeed, no story is told correctly when its copyright is infringed.

There was a man at the time referred to known as old Sam Linton, the most extraordinary dog-fancier who ever lived, and the most curious thing about him was that he always fancied other people's dogs to his own. He was a remarkable dog-*finder*, too. In these days of dogs' homes the services of such a man as Linton are not so much in request; but he was a home in himself, and did a great deal of good in his way by restoring lost dogs to their owners; so that it became almost a common question in those days, when a lady lost her pet, to ask if she had made any inquiry of old Sam Linton. He was better than the wise woman who indicated in some mysterious jargon where the stolen watch might or might not be found in the distant future, for old Sam *brought* you the very dog

on a *specified day!* The wise woman never knew where the lost property was; old Sam did.

I dare say he was a great blackguard, but as he has long joined the majority it is of no consequence. He went away without leaving his address, and, perhaps, as he keeps it dark, as he did here, he may still be looking after dogs not lost but gone before. There was one thing I admired about Sam: there was a thorough absence in him of all hypocrisy and cant. He professed no religion whatever, but acted upon the principle that a bargain was a bargain, and should be carried out as between man and man. That was his idea, and as I found him true to it, I respected him accordingly, and mention his name as one of the few genuinely honest men I have met. The way I made his acquaintance was singular. I was dining with my brother benchers at the Middle Temple Hall, when a message was brought that a gentleman would like to see me 'partickler' after dinner, if I could give him a few minutes.

When I came out of the hall, there was a man looking very like the burglar that my little fox-terrier flew at. It was old Sam Linton, the great dog-finder, as well known in society as the Bishop of London. His dress, or what you should call his 'get-up,' is worth a momentary glance. He had a cat-skin cap in his hand about as large as a frying-pan, and nearly of the same colour—this he kept turning round and round first with one hand, then with both—a pea-jacket with large pearl buttons, corduroy breeches, a kind of moleskin waistcoat, and blucher shoes. He impressed one in a moment as being fond of drink. On one or two occasions I found this quality of great

service to me in matters relating to the discovery of lost dogs. Drink no doubt has its advantages to those who do not drink.

'Muster Orkins, sir,' said he, 'beggin' your pardon, sir, but might I have a word with you, Muster Orkins, if it ain't a great intrusion, sir?'

I saw my man at once, and showed him that I understood business.

'You are Sam Linton?'

It took his breath away. He hadn't much, but poor old Sam did not like to part with it. In a very husky voice, that never seemed to get outside his mouth, he said:

'*Yas, sur;* that's it, Muster Orkins'—with an East-End accent.

His huskiness, I should like to say, was not like that of Mr. Justice Maule, which, though wheezy and asthmatical, was refined to a degree that made it almost musical. Sam's was guttural, or sometimes *cat-guttural*, if I may be allowed to say what forcibly struck me at the time, although by no means intended as a pun or a joke at this present moment. Then he breathed, 'Yer 'onner, wot I means to say is this——'

'What do you want, Linton? Never mind what you mean to say; I know you'll never say it.'

'Well, Mr. Orkins, sir, ye see it is as this: you've lost a little dorg. Well, you'll say, "How do you know that 'ere, Sam?" "Well, sir," I says, "'ow don't I know it? Ain't you bin an' offered *fourteen pun* for that there leetle dorg? Why, it's knowed dreckly all round Mile End—the werry 'ome of lorst dorgs—and that there dorg, find him when you wool, why, he

ain't worth more'n *fourteen bob*, sir." Now, 'ow d'ye 'count for that, sir?'

'You've seen him, then?'

'Not I,' says Sam, unmoved even by a twitch; 'but I knows a party as 'as, and it ain't likely, Mr. Orkins, as you'll get 'im by orferin' a price like that, for why? Why, it stands to reason—don't it, Mr. Orkins?—it ain't the *dorg* your payin' for, but *your feelin's* as these 'ere wagabonds is *tradin' on Mr. Orkins;* that's where it is. Oh, sir, it's abomnible, as I tells 'em, keepin' a gennelman's dorg.'

I was perfectly thunderstruck with the man's philosophy and good feeling.

'Go on, Mr. Linton.'

'Well, Mr. Orkins, they knows—damn 'em!—as your feelin's ull make you orfer more and more, for who knows that there dorg might belong *to a lady*, and then *her* feelin's has to be took into consideration. I'll tell ee now, Mr. Orkins, how this class of wagabond works, for wagabonds I must allow they be. Well, they meets, let's say, at a public, and one says to another, "I say, Bill," he says, "that there dawg as you found 'longs to Lawyer Orkins; he's bloomin' fond o' dawgs, is Lawyer Orkins, so they say, and he can pay for it." "Right you are," says Bill, "and a d—— lawyer *shall* pay for it. He makes us pay when we wants him, and now we got him we'll make him pay." So you see, Mr. Orkins, where it is, and whereas the way to do it is to say to these fellers—I'll just suppose, sir, I'm you and you're me, sir; no offence, I hopes—"Well, I wants the dawg back." Well, they says; leastways, I ses, ses I:

'"Lawyer Orkins, you lost a dawg, have yer?"

'"Yes," ses you, "I have," like a gennelman—excuse my imitation, sir—"and I don't *keer a damn for the whelp!*" That's wot you orter say. "He's only a bloomin' mongrel."'

'Very good; what next? What next, Mr. Linton?'

'"Don't yer?" says the tother feller; "then what the h— are yer looken' arter him for?"

'"Well," you ses, Mr. Orkins, "you can go to h—. I don't keer for the dawg; he ain't my fancy."'

'A proper place for the whole lot of you, Sam.'

'But, excuse me, Mr. Orkins, sir, that's for future occasions. This 'ere present one, in orferin' fourteen pun, you've let the cat out o' the bag, and what I could ha' done had you consulted me sooner I can't do now; I could ha' got him for a *fi'-pun note* at one time, but they've worked on your feelin's, and, mark my words, they'll want *twenty pun* as the price o' that there dawg, as sure as my name's Sam Linton. That's all I got to say, Mr. Orkins, and I thought I'd come and warn yer like a man—he's got into bad hands, that there dawg.'

'I am much obliged, Mr. Linton; you seem a straightforward-dealing man.'

'Well, sir, I tries to act upright and downstraight; and, as I ses, if a man only does that he ain't got nothin' to fear, 'as he, Muster Orkins?'

'When can I have him, Sam?'

'Well, sir, you can have him—let me see—Monday was a week, when you lost him; next Monday 'll be another week, when I found him; that 'll be a fortnit. Suppose we ses next Tooesday week?'

'Suppose we say to-morrow.'

'Oh!' said Sam, 'then I thinks you'll be sucked in! The chances are, Mr. Orkins, you won't see him at all. Why, sir, you don't know how them chaps carries on their business. Would you believe it, Mr. Orkins, a genleman comes to me, and he ses, "Sam," he ses, "I want to find a little pet dawg as belonged to a lidy"—which was his wife, in course—and he ses the lidy was nearly out of her mind. "Well," I ses, "sir, to be 'onest with you, don't you mention that there fact to anybody but me"—because when a lidy goes out of her mind over a lorst dawg up goes the price, and you can't caulculate bank-rate, as they ses. The price 'll go up fablous, Mr. Orkins; there's nothin' rules the market like that there. Well, at last I agrees to do my best for the gent, and he says, just as you might say, Mr. Orkins, just now: "When can she have him?" Well, I told him the time—but what a innercent question, Mr. Orkins! "Why not before?" says he, with a kind of a angry voice, like yours just now, sir. "Why, sir," I ses, "these people as finds dawgs 'ave their feelin's as well as losers 'as theirs, and sometimes when they can't find the owner, they sells the animal." Well, they sold this gentleman's animal to a Major, and the reason why he couldn't be had for a little while was that the Major, being fond on him, and 'avin' paid a good price for the dawg, it would ha' been cruel if he did not let him have the pleasure of him like for a few days—or a week.'

Sam and I parted the best of friends, and, I need not say, on the best of terms I could get. I knew him

for many years after this incident, and say to his credit that, although he was sometimes hard with customers, he acted, from all one ever heard, strictly in accordance with the bargain he made, whatever it might be; and what is more singular than all, I never heard of old Sam Linton getting into trouble.

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

CHAPTER XII

WHY I STOPPED CARD-PLAYING

LIKE most men who are not saints, I had the natural instinct for gambling, without any passion for it; but soon found the necessity for suppressing my inclination for cards lest it should interfere with my legitimate profession. It was necessary to abandon the indulgence, or abandon myself to its temptations.

Many of our virtuous resolutions are brought about by experience, while all our errors are the result of temptation. As the thief remarked to the Alderman, 'Put yourself in my place, your worship.' 'Thank you, no,' said his worship; 'I would rather remain where I am.'

I owe my determination never to play again at cards to the bad luck which befell me on a particular occasion at Ascot on the Cup Day of the year 18—. I was at that time struggling to make my way in my profession, and carefully storing up my little savings for the proverbial rainy day.

Having been previously to the Epsom summer races, and had such extraordinary good luck, nothing but a severe reverse would have induced me to take the step I did. Good luck is fascinating, and invariably leads us on, with bad luck sometimes close behind.

I went to Epsom with my dear old friend Charley Wright, and we soon set to work in one of the booths to make something towards our fortunes at *rouge et noir*. The booth was kept by a man who seemed—to me, at all events—to be the soul of honour. I had no reason to speak otherwise than well of him, for I staked a half-crown on the black, and won two half-crowns every time, or nearly every time.

I thought it a most excellent game, and with less of the element of chance or skill in it than any game I ever played. My pockets were getting stuffed with half-crowns so that they bulged, and caused me to wonder if I should be allowed to leave the racecourse alive, for there were many thieves who visited the Downs in those days.

But my friend Charley was with me, and I knew he would be a pretty trustworthy fellow in a row. This, however, was but a momentary thought, for I was too much engrossed in the game and in my good luck to dwell on possibilities. Nor did I interest myself in Charley's proceedings, but took it for granted that a game so propitious to me was no less so to him. He was playing with several others; who or what they were was of no moment to me. I pursued my game quietly, and picked up my half-crowns with great gladness and with no concern for those who had lost them.

Presently, however, my attention was momentarily diverted by hearing Charley let off a most uncontrollable 'D——n!'

'What's the matter, Charley?' I asked, without lifting my head.

'Matter,' says Charley; 'rooked, that's all!'

'Rooked! That's very extraordinary. I'm winning like anything. Look here!' and I pointed to my pockets, which were almost bursting.

'Yes,' said he, 'I see how it is: you've been winning on two's to one, and I've been losing on three's.'

'Black's the winning colour to-day, Charley—*noir;* you should have backed *noir*. Besides, long odds are much too risky. I am quite content with two to one.'

Here there was a general break-up of the party, because Charley being out of it as well as several others, it left only one, and, of course, the keeper of the booth was not so foolish, however honourable, to pay me two half-crowns and win only one. So there it ended.

That night I made this game a study, and the sensible conclusion came to me that if you would take advantage of the table you should play for the lower stakes, because you have a better chance of winning than those who play high. At least, that was the result of my policy; for while those who played high were ruined, my pockets were filled, and, by that cautious mode of playing, I was so lucky that, had there been enough at three's to one, I could have kept on making money as long as they had any to lose.

I changed my half-crowns with the booth-keeper for gold, and reached my chambers safely with the spoil. And how pleasant it was to count it!

It has occurred to me since that the keeper of the booth had carefully noted my proceedings (such was my innocence), and that he made his calculations for a future occasion. One thing he was quite sure

of — namely, that he would see me again on the first opportunity there was of winning more half-crowns.

It is possible that a succession of runs of luck might have put an end to my professional career; it is certain that the opposite result put an end to my card-playing aspirations.

In about a fortnight, all eager for a renewal of my Epsom experience, I went down to the Ascot meeting, taking with me not only all my previous winnings, but my store of savings for the rainy day, and was determined to pursue the same moderate system of cautious play.

There was the same booth, the same little flag fluttering on the top, and the same obliging proprietor. He recognised me at once, and looked as if he was quite sure I would be there—as if, in fact, he had been waiting for me. After a pleasant greeting and a few friendly words, I thought it a little odd that a man should be so glad to meet one who had come to fill his pockets at the booth-keeper's expense —at least, I thought this afterwards, not at the time. He looked genuinely pleased, and down I sat once more, quite sure that two to one would beat three.

The proprietor kept his eye on my play in a very thoughtful manner, nor was it surprising that he knew his game as well as I; in fact, it turned out that he knew it better. To this day I am unable to explain how he manœuvred it, how he adjusted his tactics to counteract mine; but that something happened more than mere luck would account for was certain; for, as often as the half-crown went on black,

red was the lucky colour. But I persevered on black because it had been my friend at Epsom, and down went the half-crowns, to be swept up by the keeper of the booth. I cannot even now explain how it was done.

Intending to make a good day's work and gather a rich harvest, I took with me every shilling I had in the world—not only my previous winnings, but my hard-earned savings at the Bar. I began to lose, but went on playing in the vain hope—the worst hope of the gambler—of retrieving what I had lost and recovering my former luck. But it was not to be; the table was against me. I forsook my loyalty to black and laid on red. Alas! red was no better friend. I lost again, and knew now that all my Epsom winnings had found their way once more into the keeper's pocket. A fortnight's loan was all I had of them. It was a pity they had not been given to some charity. But I kept on bravely enough, and did not despair or leave off while I had a half-crown left. That half-crown, however, was soon raked up with the rest into the keeper's bag.

I was bankrupt, with nothing in my pocket but twopence and a return ticket from Paddington.

Hopeless and helpless, I had learnt a lesson—a lesson you can only learn in the school of experience.

I little thought then that the only certain winner at the gaming-table is *the table itself*, and made up my mind as I walked alone and disappointed through Windsor Park, on my way to the station, that I would never touch a card again—and I never did.

For the first time since setting out in the morning I felt hungry, and bought a pennyworth of apples at a

26260

little stall kept by an old woman, and a bottle of ginger-beer. Such was my frugal meal, and thus sustained I tramped on, my return ticket being my only possession in the world. I reached Paddington with a sorry heart, and walked to the Temple, my good resolution my only comfort; but it was all-sufficient for the occasion and for all time to come.

CHAPTER XIII

POTTO BROWN'S CASE

ONE of my earliest cases at Quarter Sessions was rather curious. It was long known as 'Potto Brown's Case,' and was often cited at the circuit mess.

Potto Brown was a miller living at St. Ives, near Huntingdon, and was robbed from time to time of sacks of flour. It was suspected that the thieves must be some of the workmen employed on the railway, and as two of these employees were at last taken into custody on another charge, it seemed natural to the rural police that they should be indicted for stealing the flour from Potto Brown's mill.

I was retained to defend the prisoners, and the cases were bad enough, but Potto Brown's turned out to be perfectly hopeless. However, by this time I had learnt never to despair while there was the least possibility of success. No one could tell what chance might do—chance, the director of all things.

The flour case was the second case. In the first I cross-examined the prosecutor at great length and with some severity, Potto Brown being in court waiting for his case to come on. I was fortunate enough to obtain an acquittal.

The counsel for the prosecution was a great deal

annoyed, and immediately proposed to proceed with Potto Brown's case. There was to be no delay; the witnesses being there, the case was called on, and the jury were sworn.

Potto Brown had heard the cross-examination I had administered in the first prosecution, and dreading a like ordeal in his own case, left the court; and when he was called as the witness for the prosecution was nowhere to be found. The precincts of the court resounded with cries of '*Potto Brown!*' but no Potto Brown responded. It was like a hue and cry, and with a similar result: the more they cried, the faster Potto went.

When he reached the stable where his horse had been put up, he called to the ostler and begged him to put his pony in as soon as he possibly could, muttering to himself: 'If Hawkins wants me he'll have to find me out, and fetch me. I'm d——d if I'm going to be cross-examined by him if I know it! I'm off. Tell him what I say, ostler.' And away he went as fast as his pony could take him.

Meanwhile, the jury had to make due 'deliverance' between our Sovereign Lady the Queen and the prisoners at the Bar, so help them God.

Without Potto Brown they could not convict, and although Potto had invited me to fetch him, it was no part of my duty to do so as the counsel for the prisoner, to say nothing of the deduction it would make out of my 'one three six.' The magistrate knew, also, that it was no business of mine to bring up Potto. I agreed with the counsel for the prosecution that it was very bad of the prosecutor, and a great contempt of court, but the prisoners could not

help that; they were not responsible for the prosecutor's misconduct; he must answer for himself.

'No, no,' said the chairman, who was a very good lawyer. 'There's no evidence. Where's Potto Brown?'

I shook my head. 'Not a shred of evidence, sir,' said I.

'Not a shred,' said the chairman. 'Gentlemen, you must say "Not guilty,"' which they did.

At this time there were more courts open to advocates than there are now, and fewer candidates for their emoluments, so that the chances of succeeding at the Bar were greater.

The 'Palace Court,' it is true, was closed as a hunting-ground to all who could not pay £2,000 for the privilege of practising in it, although a junior might devil there for the benefit of a legalized practitioner.

This, of course, gave the opportunity which I availed myself of, and held many briefs for one or two who had by purchase obtained admittance.

Having somewhat succeeded in my practice at Quarter Sessions, I enlarged my field of adventure by attending the Old Bailey, hoping, of course, to obtain some briefs at that court.

Those were the days of Clarkson, Bodkin, and Charles Philipps. They were also the declining days of Adolphus, whose career was almost run. Adolphus could go a long way back into the past, and his retentive memory rendered his conversation interesting and instructive. He was kind and helpful to juniors, and after this long distance of time I think of him with respect and sympathy. He had no hope of success by

Old Bailey practice, for he contended with men who were greedily struggling for a livelihood.

This was before Giffard (Lord Halsbury), the now esteemed Lord Chancellor, then a much-envied junior, had obtained the position of representing, as he so deservedly did, most of the business which attached to cases of great public interest.

But although I abandoned the practice of that court as a rule, I was, in after-life, on many occasions retained to appear in cases which are still fresh in my memory. I was with Edwin James, who was counsel for Mr. Bates, one of the partners of Strahan and Sir John Dean Paul, bankers of the Strand, and who were sentenced to fourteen years' transportation for fraudulently misappropriating securities of their customers. I was counsel for a young clerk to Leopold Redpath, the notorious man who was transported for extensive forgeries upon the Great Northern Railway. The clerk was justly acquitted by the jury.

I have mentioned the name of Charles Philipps, who was said by some unthinking persons to have suggested that the murder of Lord William Russell, which had been committed by Courvisier, was actually perpetrated by a housemaid. Philipps told me this was a very grave error, and that he had never made or intended to make such an imputation.

The only ground for imputing the murder to the prisoner Courvisier had been that he was seen in a passage near the bedroom of Lord William Russell, where the housemaid had also been seen. Philipps, upon this, simply made the observation that, as regards this isolated fact, the circumstance standing alone would be just as damaging to a charge against

the housemaid as to Courvisier, and that the prosecuting counsel might just as well impute guilt to her (which was never suggested) as to Courvisier. This was true enough. The mere fact of being seen in the passage afforded no real evidence against either.

Again, Philipps said, 'The Lord alone knows who did this deed of darkness.' He, of course, excepted the real culprit, whoever he might be. And then, as to the confession made by his client to him, he could not have acted otherwise than he did without betraying the confidence of his client. Moreover, Baron Park, to whom he spoke of his client's confession, and whose opinion he asked as to the course he should take, said that if his client wished him to continue the defence he was bound to do so, commenting merely upon the evidence before him.

I doubt if any blame fairly attached to anything Philipps said or did.

My recollection of this period brings back many curious defences, which illustrate the school of advocacy in which I studied. Whether they contributed to my future success, I do not know, but that they afforded amusement is proved by my remembering them at all.

Hertford and St. Albans were my chief places, my earliest attachments, and are amongst my pleasantest memories. It seems childish to think of them as scenes of my struggles, for when I come to look back I had no struggles at all. I was merely practising like a cricketer at the nets; there was nothing to struggle for except a verdict when it would not come without some effort.

But dear old Codd was the man to struggle. He

struggled and wriggled; tie him up as tightly as you could, you saw him fighting to get free, as he did in the following great duck case. He was a very amiable old barrister, a fast talker—so fast that he never stayed to pronounce his words—and of an ingenuity that ought to have been applied to some better purpose, such as the making of steam-engines or writing novels, rather than defending thieves. He reminded me on this occasion of the man in the circus who rode several horses at a time. In this duck-stealing case he set up no less than *seven defences* to account for the unhappy duck finding its way into his client's pocket, and the charm of them all was their variety. Inconsistency was not the word to apply reproachfully. Inconsistency was Codd's merit. He was like a conjurer who asks you to name a card, and as surely as you do so you draw it from the pack.

This particular duck case was known long after as 'Codd's Puzzle.'

'First,' says Codd, 'my client bought the duck and paid for it.'

He was not the man to be afraid of being asked where.

'Second,' says Codd, 'my client found it; thirdly, it had been given to him; fourthly, it flew into his garden; fifthly, he was asleep, and someone put it into his pocket;' and so the untiring and ingenious Codd proceeded making his case unnaturally good.

But the strange thing was that, instead of sweeping him away with a touch of ridicule, the young advocate argued the several defences one after the other with great dialectical skill, so that the jury became

puzzled; and if the defence had not been so extraordinarily good, there would have been an acquittal forthwith.

There had been such a bewildering torrent of arguments that presently Codd's head began to swim, and he shrugged his shoulders, meaning thereby that it was the most puzzling case *he* had ever had anything to do with. The Marquis laughed. The Marquis was always our chairman, and a very pleasant and agreeable one he was.

At last it became a question whether, amidst these conflicting accounts, there ever was any duck at all. Codd had not thought of that till some junior suggested it, and then he was asked by the Marquis whether there was any particular line of defence he wished to suggest.

'No,' says Codd, 'not in particular; my client wished to make a clean breast of it and put them all before the jury; and I should be much obliged if those gentlemen will adopt any one of them.'*

The jury acquitted the prisoner, not because they chose any particular defence, but because they did not know which to choose, and so gave the prisoner the benefit of the doubt.

The client was happy, and Codd famous.

In another case he had been set a difficult task, namely, that of saying 'a few words' on behalf of a

* Sixty years after this event, *in the reply in the great Tichborne case, Mr. Hawkins, Q.C., quoted this very defence as an illustration of the absurdity of the suggestion that one of several ospreys picked up Sir Roger Tichborne, as will hereafter appear.* —R. H.

man who had pleaded 'Guilty.' It was contrary to the genius of Codd to plead 'Guilty' at all, especially with a man who had so good a character as the learned counsel was instructed to urge in his behalf, and it certainly was contrary to Codd's loquacious genius to say a few words. However, he was equal to the occasion. Nothing daunted, even by a plea of 'Guilty,' he hoped to get him off without any punishment. The plea was no sooner taken than up jumped Codd and began:

'May it please your lordship, my unfortunate client——'

'Any *facts*, Mr. Codd?' asked the chairman.

'No, my lord, no; rely entirely upon my client's good character. Never a stain on it before this unfortunate occasion——'

The chairman interrupted him with a smile, and then cast his eyes down on a long, ominous-looking paper.

'Perhaps, Mr. Codd,' said his lordship, 'you would like to defer your observations on your client's character until you have heard mine.'

Codd, the very soul of courtesy, was delighted.

The chairman then said to the prisoner:

'On the —— day of —— you were convicted of house-breaking, and sentenced to eighteen months' imprisonment. Is that right?'

'Yes, your lordship.'

After this came a series of convictions, including sheep-stealing, house-breaking, pocket-picking, and other offences; and when his lordship arrived at the eighth conviction Codd could stand the fire of his

Welsh blood no longer. He jumped from his seat, took up his brief, and dashed it down again with the exclamation :

'Oh, my God! what a scoundrel my client is!' meaning, of course, the attorney who had instructed him to set up the man's character as his only plea for mercy.

CHAPTER XIV

GRAHAM, THE POLITE JUDGE, AND 'JOHN ROBINS, MY LORD'

ONE of the earliest Judges I heard of as being near my time, if not the earliest, was Mr. Justice Graham. I find he was the Judge of Assize in a calendar for the county of Lincoln in the year 1818.

I was born in times when the law sent crowds of people to the gallows after every assize and at every sitting of the Old Bailey, and the calendar which is before me is a record of that portion of English history which is the least creditable to its sense of justice. Its punishments had been too brutal for words to express. Most of those which involved torture had been abolished before my day, but the punishment of death was inflicted for almost every offence of stealing which would now be thought sufficiently dealt with by a sentence of a week's imprisonment. The struggle to turn King's evidence was great, and it was almost a competitive examination to ascertain who knew most about the crime, and he being generally the worst of the gang, was accepted accordingly. Such was the case in Thurtell and Hunt's murder of Mr. Weare, the choice of King's evidence being between Hunt and a man named Probert, the

selection falling on Probert. Thurtell was hanged, and Hunt transported for life. But it usually happened that the 'King's evidence' was hanged the following year for a minor offence, if he held out even so long. In this instance he was acquitted of murder because he betrayed his associates, but hanged the next year on someone else's evidence for stealing a horse.

It was in such times that Mr. Justice Graham was called upon to administer the law, and on one occasion particularly he vindicated his character for courtesy to all who appeared before him. He was a man unconscious of humour and yet humorous, and was even unconscious of the extreme civility which he exhibited to everybody and upon all occasions, especially to the prisoner.

People went away with a sense of gratitude for his kindness, and when he sentenced a batch of prisoners to death he did it in a manner that might make anyone suppose, if he did not know the facts, that they had been awarded prizes for good conduct. I will give an instance or two, and then it will be seen that I do not exaggerate his lordship's demeanour.

He was firm, nevertheless—a great thing in Judges, if not accompanied with weakness of mind. I may add that there was a singular precision in his mode of expression as well as in his ideas.

At a country assize, where he was presiding in the Crown Court, a man was indicted for murder. He pleaded 'Not guilty.' The evidence contained in the depositions was terribly clear, and, of course, the Judge, who had perused them, was aware of it.

The case having been called on for trial, counsel for

the prosecution applied for a postponement on the ground of the absence of a most material witness for the Crown.

I should mention that in those days counsel were not allowed to speak on behalf of the prisoner, but the Judge was always in theory supposed to watch the case on his behalf. In the absence of a *material* witness the prisoner would be acquitted.

The learned Mr. Justice Graham asked the prisoner if he had any objection to the case being postponed until the next assizes, on the ground, as the prosecution had alleged, that their most material witness could not be produced. His lordship put the case as somewhat of a misfortune for the prisoner, and made it appear that it would be postponed, if he desired it, as a favour to *him*.

Notwithstanding the Judge's courteous manner of putting it, the prisoner most strenuously objected to any postponement. It was not for him to oblige the Crown at the expense of a broken neck, and he desired above all things to be tried in accordance with law. He stood there on his 'gaol delivery.'

Graham was firm, but polite, and determined to grant the postponement asked for. In this he was doubtless right, for the interests of justice demanded it. But to soften down the prisoner's disappointment and excuse the necessity of his further imprisonment, his lordship addressed him in the following terms, and in quite a sympathetic manner:

'Prisoner, I am extremely sorry to have to detain you in prison, but *common humanity* requires that I should not let you be tried in the absence of an important witness for the prosecution, although at the

same time I can quite appreciate your desire to have your case speedily disposed of; one does not like a thing of this sort hanging over one's head. But now, for the sake of argument, prisoner, suppose I were to try you to-day in the absence of that material witness, and yet, contrary to your expectations, they were to find you guilty. What then? Why, in the absence of that material witness, I should have to sentence you to be hanged on Monday next. That would be a painful ordeal for both of us.

'But now let us take the other alternative, and let us suppose that if your trial had been put off, and the material witness, when called, could prove something in your favour—this sometimes happens—and that that something induced the jury to acquit you, what a sad thing that would be! It would not signify to you, because you would have been hanged, and would be dead!'

Here his lordship paused for a considerable time, unable to suppress his emotion, but, having recovered himself, continued:

'But you must consider what my feelings would be when I thought I had hanged an innocent man!'

At the next assizes the man was brought up, the material witness appeared; the prisoner was found guilty, and hanged.

The humane Judge's feelings were therefore spared.

There could be no question about the humanity of the argument, but I will now give an instance of his politeness.

At the Old Bailey he was presiding during a sessions which was rather light for the times, there being less than a score left for execution under sentence of death.

There were, in fact, only sixteen, most of them for petty thefts.

His lordship, instead of reading the whole of the sixteen names, omitted one, and read out only fifteen. He then politely, and with exquisite precision and solemnity, exhorted them severally to prepare for the awful doom that awaited them the following Monday, and pronounced on each the sentence of death.

They left the dock.

After they were gone the gaoler explained to his lordship that there had been *sixteen* prisoners capitally convicted, but that his lordship had omitted the name of one of them, and he would like to know what was to be done with him.

'What is the prisoner's name?' asked Graham.

'John Robins, my lord.'

'Oh, bring John Robins back—by all means let John Robins step forward. I am obliged to you.'

The culprit was once more placed at the Bar, and Graham, addressing him in his singularly courteous manner, said apologetically:

'John Robins, I find I have accidentally omitted your name in my list of prisoners doomed to execution. It was quite accidental, I assure you, and I ask your pardon for my mistake. I am very sorry, and can only add that you will be hanged with the rest.'

This singular Judge was ever complaining and fretting over the disappointments of life. He was dissatisfied with his position and worried about trifles. The weather was a great source of annoyance to him, and Sir Alexander Cockburn told me that Graham said, if he had been one of those *ephemeral*

insects who live only a day, he would have been brought into the world *on a wet one.*

Had he been born on any day this year (1903) he would have a right to complain, for his life would, indeed, have been unhappy.

Passing, for the sake of contrast, to more modern times, I see on the Bench a man eminent indeed in law, absorbed in it and permeated with it, both common law and case law. He was one of the most even-minded men I ever knew, but, unlike Graham, rough in manner and hard in speech, with a rasping Scotch accent. He was devoted to his profession, although he never succeeded in it till he became a Judge, and then he was successful in his department almost without an equal. He was fair to everybody, and nothing could sway him a hair's-breadth from his conscientious conviction. Equally impartial in criminal and in civil cases, his judicial impartiality was recognised even by the criminals themselves.

During a Guildford Summer Assize some years ago I learnt how even the most ignorant and depraved can appreciate that divine quality. I was walking in the meadows one afternoon, and two rough fellows were lying on the grass, with their faces downward and kicking the turf with their toes.

'Jemmy,' said one, 'that there bloke, the Lord Judge, was d—— rough on our counsellor, worn't he?'

'Yes, mate, he was, but he was d——er rough on the tother—so he was. But, mind yer, that bloke knows what's what, and what ain't; he knows what's law and what ain't; and he ain't goin' to scrag a man for a bad character, nor let a swell get off for a good

un. What he said was right enough; if we was guilty they must prove it. I'd sooner be tried afore that man than any o' them bloomin' mealy-mouthed uns, as ull give yer seven stretch for not bein' a angel.'

I need not say this was Mr. Justice Blackburn, who deserved this highest praise a Judge can receive.

CHAPTER XV

GLORIOUS OLD DAYS—OLD BOB GRIMSTONE, THE HONOURABLE, AND MANY OTHERS—CHICKEN-HAZARD

THE old glories of the circuit days vanished with stage-coaches and post-chaises. If you climbed on to the former for the sake of economy because you could not afford to travel in the latter, you would be fined at the circuit mess, whose notions of propriety and economy were always at variance.

Those who obtained no business found it particularly hateful to keep up the foolish appearance of having it by means of a post-chaise. You might not ride in a public vehicle, or dine at a public table, or put up at an inn for fear of falling in with attorneys and obtaining briefs from them surreptitiously. The Home Circuit was very strict in these respects, but it was the cheapest circuit to travel in the kingdom, so that its members were numerous and various in mind, manner, and position.

But it was a circuit of brilliant men in my young days. Many of them rose to eminence both in law and in Parliament. It was a time, indeed, when, if Judges made law, law made Judges.

I should like to say a word or two about those times

and the necessary studies to be undergone by those who aspired to eminence.

In the days of my earliest acquaintance with the law, an ancient order of men, now almost, if not quite, extinct, called Special Pleaders, existed, who, after having kept the usual number of terms—that is to say, eaten the prescribed number of dinners in the Inn of Court to which they belonged—became qualified, on payment of a fee of £12, to take out a Crown license to plead under the Bar. This enabled them to do all things which a barrister could do that did not require to be transacted in court. They drew pleadings, advised and took pupils.

Some of them practised in this way all their lives and were never called. Others grew tired of the drudgery, and were called to the Bar, where they remained *junior* barristers as long as they lived, old age having no effect upon their status. Some were promoted to the ancient order of Serjeants-at-Law, or were appointed Her Majesty's Counsel, while some of the Serjeants received from the Crown patents of precedence with priority over all Queen's Counsel appointed after them, and with the privilege of wearing a silk gown and a Queen's Counsel's wig.

There was, however, this difference between a Queen's Counsel and the holder of a Patent of Precedence: that the former, having been appointed one of Her Majesty's Counsel, could not thenceforth appear without special license under the sign-manual of the Queen to defend a prisoner upon a criminal charge. The Serjeant-at-Law is as rare now as a bustard.

I mention these old-fashioned times and studies, not because of their interest at the present day, but because

they produced such men as Littledale, Bayley, Parke (afterwards Lord Wensleydale), Alderson, Tindal, Patterson, Wightman, Crompton, Vaughan Williams, James, Willes, and, later, Blackburn.

The contemplation of these legal giants, amongst whom my career commenced, somewhat checked the buoyant impulse which had urged me onward at Quarter Sessions, but at the same time imparted a little modest desire to imitate such incomparable models. Those of them who were selected from the junior Bar were good examples of men whose vast knowledge of law was acquired in the way I have indicated, and who were chosen on their merits alone.

But even these successful examples, however encouraging to the student, were, nevertheless, not ill-calculated to make a young barrister whose income was small, and sometimes, as in my case, by no means *assured* to him, sicken at the thought that, study as he liked, years might pass, and probably would, before a remunerative practice came to cheer him. Perhaps it would never come at all, and he would become, like so many hundreds of others of his day and ours, a hopeless failure. All were competitors for the briefs and even the smiles of solicitors; for without their favour none could succeed, although he might unite in himself all the qualities of lawyer and advocate.

These were matters which I was unable, or, at all events, unwilling, to appreciate when I first thought of making my livelihood at the Bar, against which I had received such solemn warnings. Baron Parke, whom I have just mentioned, was a great lawyer, and educated for the law, when the cultivation of advocacy and great knowledge of the law were

essential to success. The first, I need not say, is a natural gift, though capable of the highest training and of essential use at the Bar; the other is acquired by time, study, practice, and patience, and is equally essential on the Bench.

The prospect was not exhilarating for anyone who had to perform the drudgery of the first few years of a junior's life; nevertheless, I was not cast down by the mere apprehension, or, rather, the mere possibility of failure, for when I looked round on my competitors I was encouraged by the thought that dear old Woollet knew more about a rate appeal than Littledale himself, while old Peter Ryland, with his inimitable Saxon, was quite as good at the irremovability of a pauper as Codd was in accounting for the illegal removal of a duck, and both in their several branches of knowledge more learned than Alderson or Bayley. But here I was, launched on that wide sea in which I was 'to sink or swim,' and, as I preferred the latter, I struck out with a resolute breast-stroke, and, as I have said, never failed to keep my head above water. It was some satisfaction to know that if the Judges were so learned, there was yet more learning to come; much yet to come down from the old table-land of the common law, and much more from the inexhaustible fountain of Parliament.

The Home Circuit was renowned for its many and humorous stories, convivial accomplishments, and good-fellowship. It was second to none, not excepting the brilliant traditions of the Northern. I have already said the book containing the record of our meetings was lost.

The Quarter Sessions Court, however, was the

arena of my first eight years of professional life. I watched and waited with unwearied attention, never without hope, but often on the very verge of despair, of ever making any progress which would justify my choosing it as a profession. My greatest delight, perhaps, was the obtaining an acquittal of someone whose guilt nobody could doubt. All the struggle of those times was the fight for the 'one three six,' and the hardest effort of my life was the most valuable, because it gave me the key which opened the door to many depositories of unexplored wealth.

There were many men who outlived their life, and others who never lived their lives at all; many men who did nothing, and many more who would almost have given their lives to do something.

There was, however, one man of those days whom I cannot here pass over, as he remained my companion and friend to his life's end, and will be remembered by me with affection and reverence to the end of my own. It was 'old Bob Grimstone,' whom I first met at the benefit of 'the Spider,' one of the famous prize-fighters of the time. The Hon. Bob Grimstone was known in the sporting world as one of its most enthusiastic supporters, and acknowledged as one of the best men in saddle or at the wicket. But Bob was not only a sportsman, he was a gentleman of the finest feeling you could meet, and the keenest sense of honour.

Having thus spoken of some of the eminent men of my early days, I would like to mention a little incident that occurred before I had fairly settled down to practise, or formed any serious intention as to the course I should pursue—that is to say, whether I

should remain a sessions man like dear old Woollet, or become a master of Saxon like old Peter Ryland, a sportsman like old Bob Grimstone, or a cosmopolitan like Rodwell, so as to comprehend all that came in my way. I chose the latter for the simple reason that in principle I loved what in these days would be called 'the open door,' and received all comers, even sometimes entertaining solicitors unawares.

Accordingly I laid myself open to the attention of kind friends and people whose manner of life was founded on the Christian principle of being 'given to hospitality.'

But before I come to the particular incident I wish to describe, I must hark back to mention a remarkable case that was tried in the Queen's Bench, and which necessarily throws me back a year or two in my narrative.

It was a case known as 'Boyle and Lawson,' and the incident it reveals will give an idea of the state of society of that day. I am not sure whether it differs in many respects from that of the present, except in so far as its *honour* is concerned, for what was looked upon then as a flagrant outrage on public morality, is now regarded as an error of judgment, or a mistake occasioned by some fortuitous combination of unconsidered circumstances. Such is the value in literature and argument of long words without meaning.

However, the action was brought against the proprietors of the *Times* newspaper for libel. The libel consisted in the statement that the respectable plaintiff—a lady—had conspired with persons unknown to obtain false letters of credit for large sums of money 'at a place,' strange to say, near the locality

where I met the prize-fighting gang I mentioned a short while since.

The alleged conspirators were living in excellent style in Norwich. How they had attained their social distinction I am unable to say, but they were, in fact, in the very best set, which in Norwich was by no means the fastest.

I was travelling at this time with Charles Willshire and his brother Thomas, who was a mere youth. There was also an undergraduate of Cambridge of the name of Crook with us, and another who had joined our party for a few days' ramble.

We were enjoying ourselves in the old city of Norwich as only youth can, when we received an invitation to pass an evening in a very fashionable circle. How the invitation came I could not tell, but we made no inquiry and accepted it. Arrived at the house, which was situated in the most aristocratic neighbourhood that Norwich could boast, we found ourselves in the most agreeable society we could wish to meet. This was a group of exalted and fashionable personages arrayed in costumes of the superb Prince Regent style. Nothing could exceed this party in elegance of costume or manners. You could tell at once they were, as it was then expressed, 'of the quality.' Their cordiality was equalled only by their courtesy, and had we been princes of the blood we could not have received a more polite welcome. There was an elegance, too, about the house, and a refinement which coincided with the culture of the hosts and guests. Altogether it was one of the most agreeable parties I had ever seen. There were several gentlemen, all Prince Regents, and one sweet lady,

charming in every way, from the well-arranged blonde tresses to the neatest little shoe that ever adorned a Cinderella foot. She was beautiful in person as she was charming in manner. You saw at once that she moved in the best Norwich society, and was the idol of it. Crook was perfectly amazed at so much grace and splendour, but then he was much younger than any of us.

I don't think anyone was so much smitten as Crook. We had seen more of the world than he had—that is to say, more of the witness-box—and if you don't see the world there, on its oath, you can see it nowhere in the same unveiled deformity.

We enjoyed ourselves very much. There was good music and a little sweet singing, the lady being in that art, as in every other, well trained and accomplished. If I was not altogether ravished with the performance, Crook was. You could see that by the tender look of his eyes.

After the music, cards were introduced, and they commenced playing *vingt-et-un*, Crook being the special favourite with everybody, especially with the ladies. I believe much was due to the expression of his eyes.

As I had given up cards I did not join in the game, but became more and more interested in it as an onlooker. I was a little surprised, however, to find that in a very short while, comparatively, our friend Crook had lost £30 or £40 ; and as this was the greater part of his allowance for travelling expenses, it placed him in a rather awkward position.

Some men travel faster when they have no money ; this was not the case with poor Crook, who travelled only by means of it. Alas, I thought, *twenty-one* and *vingt-et-un !* It was a serious matter, and the worse

because Crook was not a good loser; he lost his head and his temper as well as his money; and I have ever observed through life that the man who loses his temper loses himself and his friends.

He was disgusted with his bad luck, but nurtured a desperate hope—the forlorn hope that deceives all gamblers—that he should retrieve his losses on some future occasion, which he eagerly looked for and, one might say, demanded.

The occasion was not far off; it was, in fact, nearer than Crook anticipated. His pleasant manner and agreeable society at *vingt-et-un* procured us another invitation for the following night but one, and of course we accepted it. It was a great change to me from the scenery of the Elm Court chimney-pots.

Whatever might be Crook's happily sanguine disposition and hope of retrieving his luck, there was one thing which the calculator of chances does not take into consideration in games of this kind. We, visiting such cultured and fashionable people, would never for a moment think so meanly of our friends; I mean the possibility of their cheating, a word never mentioned in well-bred society. A suspicion of such conduct, even, would be tantamount to treason, and a violation of the rules that regulate the conduct of ladies and gentlemen. It was far from all our thoughts, and the devil alone could entertain so malevolent an idea. Be that as it may, as a matter of philosophy, the onlooker sees most of the game, and as I was an onlooker this is what I saw:

The elegant lady *exchange glances with one of the players while she was looking over Crook's hand!* Crook was losing as fast as he could, and no

wonder. I was now in an awkward position. To have denounced our hosts because I interpreted a lady's glances in a manner that made her worse than a common thief might have produced unknown trouble. But I kept my eye on the beautiful blonde, nevertheless, and became more and more confirmed in my suspicions without any better opportunity of declaring them.

The charming well-bred lady thus communicating her knowledge of Crook's cards, I need not say he was soon reduced to a state of insolvency; and as the party was too exclusive and fashionable to extend their hospitality to those who had not the means of paying, it soon broke up, and we returned to our rooms, I somewhat wiser and Crook a great deal poorer.

Such was the adventure which came to my mind when I saw in the Queen's Bench at Westminster the trial of 'Boyle and Lawson' against the *Times* for calumnious insinuations against the character of a lady and others, suggesting that they obtained false letters of credit to enable them to cheat and defraud.

This was the select party which Norwich society had lionized—the great unknown to which we had been introduced, and where Crook had been cheated out of his travelling money!

The lady was the fair plaintiff in this action, seeking for the rehabilitation of her character, and she succeeded in effecting that object so far as the outlay of one farthing would enable her to do so, for that was all the jury gave her, and it was exactly that amount too much. Her character was worth more to her in Crook's time.

Speaking of a man running society on his fees—that

is, endeavouring to cope with the rich on the mere earnings of a barrister, however large they may be—I have met with several instances which would have preserved me from the same fate had I ever been cursed with such an inclination. The number of successful men at the Bar who have been ruined by worshipping the idol which is called 'Society,' and which is perhaps a more disastrous deity to worship than any other, is legion. This is one unhappy example, the only one I intend to give.

While I was living in Bond Street, and working very hard, I had little time and no inclination to lounge about amongst the socially great; I had, indeed, no money to spend on great people. The entrance-fee into the portals of the smart society temple is heavy, especially for a working man, and so found the bright particular star who had long held his place amidst the splendid social galaxy, and then disappeared into a deeper obscurity than that from which he had emerged, to be seen no more for ever.

He was a Queen's Counsel, a brilliant advocate in a certain line of business, and a popular, agreeable, intellectual, and amusing companion. He obtained a seat in Parliament and a footing in Society, which made him one of its selected and principal lions. In every Society paper, amongst its most fashionable intelligence, there was he; and Society hardly seemed to be able to get along without him.

One Sunday afternoon I was reading in my little room when this agreeable member of the élite called upon me. My astonishment was great, because at that time of my career not only did I not receive visitors, but *such* a visitor was beyond all expectation,

and I wondered, when his name was announced, what could have brought him, he so great and I comparatively nothing. It is true I had known him for some time, but I knew him so little that I thought of him as a most estimable great man whose career was leading him to the highest distinction in his profession.

Another extraordinary thing that struck me long after, but did not at the time, was that the business he came upon made no particular impression on my mind, any more than if it had been the most ordinary thing in the world. That to me is still inexplicable.

My visitor did not let troubles sit upon him, if troubles he ever had, for he seemed to be in the highest spirits. Society kept him ever in a state of effervescent hilarity, so that he never let anything trouble him. At this time he was making at the Bar seven or eight thousand a year, and consequently, I thought, must be the happiest of men.

His manner was agreeable, and his face wore a smile of complacency at variance with the nature of his errand, which he quickly took care to make known by informing me that he was in a devil of a mess, and did not know what he should do to get out of it.

'Oh,' I said quite carelessly, 'you'll manage.' And little did I think I should be the means of fulfilling my own prophecy.

'The fact is, my dear Hawkins,' said the wily intriguer, for such he was, 'I'll tell you seriously how I stand: to-morrow morning I have bills becoming due amounting to £1,250, and I want you to be good enough to lend me that sum to enable me to meet them.'

I was perfectly astounded! This greatness to have come down to £1,250 on the wrong side of the ledger.

'I have no such amount,' said I, 'and never had anything like it at my bank.' I must say I pitied him, and began to wonder in what way I *could* help him. He was so really and good-naturedly in earnest, and seemed so extremely anxious, that at last I said, 'Well, I'll see what I can do,' and asked him to meet me in court the following morning, when I would tell him whether I could help him or not.

His gratitude was boundless; my kindness should never be forgotten—no, as long as he lived! and if he had been addressing a common jury he could not have used more flowers of speech or shed more abundant tears to water them with. I was the best friend he had ever had. And, as it seemed afterwards, very foolishly so, because he told me he had not one farthing of security to offer for the loan. A man who ought to have been worth from fifty to a hundred thousand pounds!

However, I went to my bankers' and made arrangements to be provided with the amount. I met him at the place of appointment, and was quite surprised to see the change in his demeanour since the day before. He was now apparently in a state of deeper distress than ever; and, thinking to soothe him, I said, 'It's all right; you can have the money!'

Once more he overwhelmed me with the eloquence of a grateful heart, but said it was of no use—no use whatever; that instead of £1,250 he had other bills coming in, and unless they could all be met he might just as well let the others go.

'How much do you *really* want to quite clear you?'

I asked, with a simplicity which astonishes me to this day.

'Well,' he said, 'nothing is of the least use under £2,500.'

I was a little staggered, but, pitying his distress of mind, went once more to my bankers' and made the further necessary arrangements. I borrowed the whole amount at five per cent., and placed it to the credit of this brilliant Queen's Counsel.

The only terms I made with him on this new condition of things was that he should, out of his incoming fees, pay my clerk £500 a quarter until the whole sum was liquidated. This he might easily have done, and this he arranged to do, but the next day he pledged the whole of his prospective income to a Jew, incurred fresh liabilities, and left me without a shadow of a chance of ever seeing a penny of my money again, and I need not say every farthing was lost, principal and interest. I say interest, because it cost me five per cent. till the amount was paid.

His end was as romantic as his life, but it is best told in the words of my dear old friend Charley Colman, who never spares colour when it is necessary, and in that respect is an artist who resembles Nature. Thus he writes:

'What a coward at heart was ——! He allowed himself to be sat upon and crushed without raising a hand or voice in his defence of himself. When he returned from America he accepted a seat in —— office—in the office of the man who urged Lord —— to prosecute him.

'After your gift to him—a noble gift of £3,000—he called at my chambers, spoke in high terms of your

generosity, and wished all the world to know it, so elated was he. I was to publish it far and wide. He went away. In half an hour he returned, and begged me to keep the affair secret. "Too late," said I. "Several gentlemen have been here, and to them I mentioned the matter, and begged them to spread it far and wide." His heart failed him when he thought he would be talked about.

'He was a kind-hearted fellow at times—generous to a fault, always most abstemious; but he had a tongue, and one he did not try to control. He used to say stinging things of people, knowing them to be untrue.

'What a life! What a terrible fate was his! Turned out of Parliament; made to resign his Benchership; his gown taken from him by the Benchers; driven to America by his creditors to get his living; not allowed to practise in the Supreme Court in America. At forty-five years of age his life had foundered. He returns to England—for what? Simply to find his recklessness had blasted his life, and then——?

'Sometimes, in spite of *all*, I feel a moisture in my eye when I think of him. Had he been true to himself, what a brilliant life was open to him! What a practice he had! Up to the last he told me that he turned £14,000 a year. He worked hard, very hard, and his gains went to —— or to chicken hazard! Poor fellow!'

CHAPTER XVI

PETER RYLAND, THE REV. MR. FAKER, AND THE WELSH WILL

I WAS retained at Hertford Assizes with Peter Ryland, a practising barrister on that circuit, as my leader, to prosecute a man for perjury, which was alleged to have been committed in an action in which a cantankerous man, who had once filled the office of High Sheriff for the county, was the prosecutor. Wealthy and disagreeable, he was nevertheless a hen-pecked tyrant.

Mrs. Brown, his wife, was a witness for the prosecution in the alleged perjury, which was unfortunate for her husband, because she had the greatest knowledge of the circumstances surrounding the case ; while Mr. Brown had the best knowledge of the probable quality of his wife's evidence.

When we were in consultation and considering the nature of this evidence, and arranging the best mode of presenting our case to the jury, Brown interposed, and begged that Mr. Ryland should call Mrs. Brown as the last witness. He said it was all-important she should come last. 'It is Mrs. Brown's wish,' he pleaded.

'But,' says Ryland, 'Mrs. Brown ought to be called *first*. It is all-important in my view that she

should be called in that order, which you must see is the natural order—Mrs. Brown first, the rest anywhere' (or, perhaps, better nowhere, thought Brown, if Mrs. Brown is to be believed).

'You'll find the other way best,' says Brown.

But Ryland positively refused to proceed in any other than the proper course, which was to call the lady first instead of last.

As I left Ryland, Brown came up to me, thinking me, probably, more amenable to reason, and in the most beseeching manner begged me to press upon Ryland the course he, Brown, had suggested. I assured him that Mr. Ryland would do what was best and most prudent; at the same time saying that, if he could give me any good reason for calling Mrs. Brown last, I was sure he would do so if he agreed with it. Whereupon said Brown:

'Well, Mr. Hawkins, Mr. Ryland did not seem to think very well of my case on the evidence, so I have come to the conclusion that Mrs. Brown ought to be the last witness, because, *if anything goes wrong during the trial or anything is wanting, Mrs. Brown will be quite ready to mop it all up.*'

This in a prosecution for *perjury* was one of the boldest propositions I had ever heard.

I need not say 'good Mrs. Brown was called, as she ought to have been, first.' The lady's mop was not in requisition at that stage of the trial, and the jury decided against her.

I was sometimes in the Divorce Court, and dear old Jack Holker was generally my opponent. He was called 'Long Odds.' In one particular case I won some éclat. It is not related on that account, however,

but simply in consequence of its remarkable incidents. No case is interesting unless it is outside the ordinary stock-in-trade of the Law Courts, and I think this was.

The details are not worth telling, and I therefore pass them by. Cresswell was the President, and the future President, Hannen, my junior.

We won a great victory through the remarkable overconfidence and indiscretion of Edwin James, Q.C., who opposed us. James's client was the husband of the deceased. By her will the lady had left him the whole of her property, amounting to nearly £100,000. The case we set up was that the wife had been improperly influenced by her husband in making it, and that her mind was coerced into doing what she did not intend to do, and so we sought to set aside the will on that ground.

I am stating the matter in this somewhat round-about fashion because all readers of these reminiscences will not be lawyers.

Edwin James had proved a very strong case on behalf of the validity of the will. He had called the attesting witnesses, and they, respectable gentlemen as they undoubtedly were, had proved all that was necessary—namely, that the testator, notwithstanding that she was in a feeble condition and almost at the last stage, was perfectly calm and capable in mind and understanding—exactly, in fact, as a testator ought to be who wills her property to her husband if he retains her affection.

The witnesses had been cross-examined by me, and nothing had been elicited that cast the least doubt upon their character or credibility. Had the matter been left where it was, the £100,000 would have been

secured. But James, whatever may have been his brilliance, was wanting in tact. He would not leave well alone, but resolved to call the Rev. Mr. Faker, a distinguished Dissenting minister.

In fiction this gentleman would have appeared in the melodramatic guise of a spangled tunic, sugar-loaf hat, with party-coloured ribands, purple or green breeches, and motley hose; but in the witness-box he was in clerical uniform, a long coat and white cravat, with corresponding long face and hair, especially at the back of his head. A soberer style of a stage bandit was never seen. He was just the man for cross-examination, I saw at a glance—a fancy witness, and, I believe, a Welshman. As he was a Christian warrior, I had to find out the weak places in his armour. But little he knew of courts of law and the penetrating art of cross-examination, which could make a hole in the triple-plated coat of fraud, hypocrisy, and cunning. I was in no such panoply. I fought only with my little pebble-stone and sling, but took good aim, and then the missile flew with well-directed speed.

I had to draw a bow at a venture at first, because, happily, there were no instructions how to cross-examine. Not that I should have followed them if there had been! But I might have got a *fact* or two from them.

It is well known that artifice is the resource of cunning, whether it acts on the principle of concealing truth or boldly asserting falsehood. Here the reverend strategist did both: he knew how a little truth could deceive. You must remember that at this point of the case, when the Rev. Faker was called, there was nothing to cross-examine about. I knew nothing of

the parties, the witnesses, the solicitors, or anyone except my learned friends. It would not have been discreditable to my advocacy if I had submitted to a verdict. I will, therefore, give the points of the questions which elicited the truth from the Christian warrior; and probably the non-legal reader of these memoirs may be interested in seeing what may sometimes be done by a few judicious questions.

'Mr. Faker,' I said.

'Sir,' says Faker.

'You have told us you acted as the adviser of the testatrix.'

'Yes, sir.'

'Spiritual adviser, of course?'

A spiritual bow.

'You advised the deceased lady, probably, as to her duties as a dying woman?'

'Certainly.'

'Duty to her husband—was that one?'

A slight hesitation in Mr. Faker revealed the vast amount of fraud of which he was capable. It was the smallest peephole, but I saw a good way. Till then there was nothing to cross-examine about, but after that hesitation there was £100,000 worth! He had betrayed himself. At last Faker said:

'Yes, Mr. Hawkins—yes, sir: her duty to her husband.'

'In the way of *providing* for him?' was my next question.

'Oh, yes; quite so.'

'You were careful, of course, as you told your learned counsel, to avoid any undue influence?'

'Certainly.'

'The will was not completed, I think, when you first saw the dying woman—on the day, I mean, of her death?'

'No; not at that time.'

'Was it kept in a little bag by the pillow of the dying woman, who retained the keys of the bag herself?'

'Oh yes; that is quite right.'

'Had it been executed at this time?—I think you said not?'

'Not at this time; it had to be revised.'

'How did you obtain possession of the keys?'

'I obtained them.'

'Yes, I know; but without her knowledge?'

It was awkward for Faker, but he had to confess that he was not sure. Then he frankly admitted that the will was taken out of the bag—in the lady's presence, of course, but whether she was quite dead or almost alive was uncertain; and then he and the husband spiritually conferred as to what the real intention of the dying woman in the circumstances was *likely to be*, and having ascertained that, they made *another will*, which they called 'settling the former one' by carrying out the lady's intentions, the lady being now dead to all intentions whatsoever.

This was the will which was offered for probate!

Cresswell thought it was a curious state of affairs, and listened with much interest to the further cross-examination:

'Had you ever seen any other will?' I inquired. It was quite an accidental question, as one would put in a desultory sort of conversation with a friend.

'Er—yes—I have,' said Faker.

'What was that?'

'Well, it was a will, to tell you the truth, Mr. Hawkins, executed in my favour for £5,000.'

'Where is it?'

'I have not the original,' said the minister, 'but I have a copy of it.'

'Copy! but where is the original?'

'Original?' repeats Faker.

'Yes, the original; there must have been an original if you have a copy.'

'Oh,' said the Rev. Faker, 'I remember, the original was destroyed after the testatrix's death.'

'How?'

'Burnt!'

Even the very grave Hannen, my ever-respected friend and junior, smiled; Cresswell, never prone to smile at villainy, smiled also.

'The original burnt! and only a copy produced! What do you mean, sir?'

The situation was dramatic.

'Is it not strange?' I asked, 'even in *your* view of things, that the original will should be burnt and the copy preserved?'

'Yes,' answered the reverend gentleman; 'perhaps it would have been better——'

'To have burnt the copy and given us the original, and more especially after the lady was dead! But, let me ask you, *why* did you destroy the original will?'

I pressed him again and again, but he could not answer. The reason was plain. His ingenuity was exhausted, and so I gave him the finishing stroke with this question:

'Will you swear, sir, that an original will ever existed?'

The answer was, 'No!'

I knew it *must* be the answer; because there could be no other that would not betray him.

'What is your explanation?' asked Cresswell.

'My explanation, my lord, is that the testatrix had often expressed to me her intention to leave me £5,000, and I wrote the codicil which was destroyed to carry out her wishes.'

Cresswell had warned James early in the case as to the futility of calling witnesses after the two who alone were necessary, but to no purpose; he hurried his client to destruction, and I have never been able to understand his conduct. The most that can be said for him is that he did not suspect any danger, and took no trouble to avoid incurring it.

It is curious enough that on the morning of the trial we had tried to compromise the matter by offering £10,000.

The refusal of the offer shows how little they thought that any cross-examination could injure their cause.

Hannen said he could not have believed a cross-examination could be conducted in that manner without any knowledge of the facts, and paid me the compliment of saying it was worth at the least £80,000.

CHAPTER XVII

TATTERSALL'S—BARON MARTIN, HARRY HILL, AND THE OLD FOX IN THE YARD

TATTERSALL'S, in my time, was one of the pleasantest Sunday afternoon lounges in London. There was a spirit of freedom and social equality pervading the place which only belongs to assemblies where sport is the principal object and pleasure of all. There was also the absence of irksome workaday drudgery; I think that was, after all, the main cause of its being so delightful a meeting-place to me.

There was, however, another attraction, and that was dear old Baron Martin, one of the most pleasant companions you could meet, no matter whether in the Court of Exchequer or the 'old Ring.' A keen sportsman he was, and a shrewd, common-sense lawyer—so great a lover of the turf that it is told of him, and I know it to be true, that once in court a man was pointed out to him bowing with great reverence, and repeating it over and over again until he caught the Baron's attention. The Judge, with one pair of spectacles on his forehead and another on his eyes, immediately cried aloud to his marshal, 'Custance, the jockey, as I'm alive!' and then the

Baron bowed most politely to the man in the crowd, the most famous jockey of his day.

Speaking of Tattersall's reminds me of many things, amongst them of the way in which, happily, I came to the resolution never to bet on a horse-race. It was here I learnt the lesson, at a place where generally people learn the opposite, and never forgot it. No sermon would ever have taught me so much as I learnt there.

Like my oldest and one of my dearest friends on the turf, Lord Falmouth, I never made a bet after the time I speak of. No one who lives in the world needs any description of the Tattersall's of to-day. But the Tattersall's of my earlier days was not exactly the same thing, although the differences would not be recognisable to persons who have not overkeen recollections.

The institution has perhaps known more great men than Parliament itself—not so many bishops, perhaps, as the Church, but more statesmen than could get into the House of Lords; and all the biographies that have ever been written could not furnish more illustrations of the ups and downs of life, especially the downs, nor of more illustrious men.

Here the great and the small mingled on terms of friendly intimacy and equality; the wit met the fool in joyous rivalry, and the rich met the poor in the same spirit of friendly emulation. Country squire and Cockney sportsmen talked of the merits of the Flying Dutchman or Voltigeur, Surplice or the losing favourite in the famous Hermit's year—the last year, if I remember rightly, of the old Tattersall establishment.

The names of all the great and mediocre people who

visited the famous rendezvous would fill a respectable Court guide, and the money transactions that have taken place would pay off the National Debt. All this is a pleasant outcome of the national character.

Do not suppose that Judges, other than dear old Sam,* never looked in, for they did, and so did learned and illustrious Queen's Counsel and Serjeants-at-Law, authors, editors, actors, statesmen, and, to sum it up in brief, all the real men of the day of all professions and degrees of social position.

At first my visits were infrequent; afterwards I went more often, and then became a regular attendant. I loved the 'old Ring,' and yet could never explain why. I think it was the variety of human character that charmed me. I was doing very little at the Bar, and was, no doubt, desirous to make as many acquaintances as possible, and to see as much of the world as I could. It is a long way back in my career, but I go over the course with no regrets and with every feeling of delight. Everything seems to have been enjoyable in those far-off days, although I was in a constant state of uncertainty with regard to my career. There were three principal places of pleasure at that time: one was Tattersall's, one Newmarket, and the Courts of Law a third.

There used to be, in the centre of the yard or court at Tattersall's, a significant representation of an old fox, and I often wondered whether it was set up as a warning, or merely by way of ornamentation, or the symbol of sport. It might have been to tell you to be wary and on the alert. But whatever the original design of this statue to reynard, the old fox read me a

* Martin.

solemn lesson, and seemed to be always saying, 'Take care, Harry; be on your guard. There are many prowlers everywhere.' And when the fox meditates in that way, you may be sure the hounds are not far off. He was a wonderful fox, and full of good advice to all who could understand his meaning, which I thought I did. He acted upon me, I candidly confess, as a monitor, be his mission what it might, so that I grew intimate with him as well as conversational, and whenever I entered the place our eyes met.

But there was another monitor in constant attendance whose language I better understood, and who was deservedly respected by all who had the pleasure of his acquaintance—that is to say, by all who visited Tattersall's more than once. He was not in the least emblematic like the old fox, but a man of sound sense with no poetry, of an extremely good nature, and full of anecdote. You might follow his advice, and it would be well with you; or you might follow your opinion in opposition to his and take your chance. His name was Hill—Harry Hill they familiarly called him, and although you might have many a grander acquaintance, you could never meet a truer friend.

He was an old and much-respected friend of Baron Martin, and that says a great deal for the monitor; for if anybody in the world could understand a *man*, it was Baron Martin. Whether it was the Prime Minister or the unhappy thief in the dock, he knew all classes and all degrees of criminality. The dear old Baron was not poetical with regard to landscapes, for if one were pointed out to him by some proprietor of a lordly estate, he would say, 'Yes, a vera fine place indeed; and I would have the winning-post *there*

Those who can go back to the days of Harry Hill—but I fear there are few—will know that my eulogy is not undeserved, and his cheery face and genuine pleasant manner will never fade from the memory of those who 'love life and see many days.'

Harry had his wits about him, as most sportsmen have, and those who could 'take him in' would break a respectable record in the art of cunning, even if we included an antiquated gentleman whose name is never mentioned in the polite society where a spade is never called by that name, but, as Bishop Magee said, a —— shovel. However, if a man has his wits about him, you may back him against the field of mediocrities.

I once saw the Baron in quiet conversation with my renowned friend, old Harry Hill, and felt that strange sensation which invariably comes over us when we think we are being talked about. I knew, however, to my consolation, that it was in no unfriendly way. The Baron knew me, as I afterwards discovered, although I had never up to this time been introduced to him, except in court. I had conducted several cases before him, but as to his opinion of my ability I knew absolutely nothing. He was kind to all juniors, and sympathetic, but beyond that his mind and opinion were a blank. I afterwards discovered it.

The old fox and Harry Hill! The two characters at Tattersall's in those days can never be forgotten, and so I have been tempted to linger over them longer than I should probably from a merely literary point of view.

It may seem strange in these more enlightened days that at that time I was under the impression that no one could make a bet unless he had the means of pay-

ing if he lost. This statement will provoke a smile, but it is true. The consequence was that I was debarred from speculating where I thought I had a most excellent chance of winning, having been brought up to believe that the world was almost destitute of fraud—a strange and almost unaccountable idea which only time and experience proved to be erroneous. Judge of the vast unexplored field of discovery that lay before me! Harry Hill was better informed. He had lived longer, and had been brought in contact with the cleverest men of the age. He knew at a glance the adventurous fool who staked his last chance when the odds were a hundred to one, and also the man of honour who staked his life on his honesty—and sometimes *lost*, alas!

There were 'blacklegs' in those days who looked out for such honest gentlemen, and *won*—scoundrels who degrade sport, and trade successfully on the reputations of men of honour. You cannot cope with these; honesty cannot compete with fraud either in sport or trade.

It was a very brief Sunday sermon which Harry preached to me this afternoon, but it was an effective one, and out of the abundance of his good nature he gave me these well-remembered words of friendly warning:

'Mr. Hawkins, I see you come here pretty regularly on Sunday afternoons, but I advise you not to speculate amongst us, for if you do we shall beat you. We know our business better than you do, and you'll get nothing out of us any more than we should get out of you if we were to dabble in your law, for you know *that* business better than we do.'

This disinterested advice I took to heart, and treated it as a warning. I thanked Mr. Hill, promised to take advantage of his kindness, and kept my word during the whole period that Tattersall's remained in the old locality, which it did for a considerable period.

The establishment at this time was at Hyde Park Corner, and had been rented from Lord Grosvenor since 1766. It was used for the purpose of selling thoroughbreds and other horses of a first-rate order until the expiration of the lease, which was, I think, in 1865. It was then removed to Knightsbridge, where I still continue my visits.

The new premises, or, as it might be called, the new institution, was inaugurated with a grand dinner, chiefly attended by members of the sporting world, including Admiral Rous, George Payne, and many other well-known and popular patrons of our national sport. There were also a great many who were known as 'swells,' people who took a lively interest in racing affairs, and others who belonged to the literary and artistic world, and enjoyed the national sports as well. It was a large assembly, and if any persons can enjoy a good dinner and lively conversation, it is those who take an interest in sport. Their unanimity and sparkling joviality seemed to inspire the champagne itself, while this, by reflex action, returned the compliment. There was no air of superiority, no desire to outshine one another, but a universal wish to be agreeable, and to make things pleasant all round. Mixed as the company might be, it was uniform in its object, which was to be happy as well as jolly. How they succeeded all who have enjoyed a social evening with them know. General

and generous sociability is the keynote of enjoyment.

Richard and Edmund Tattersall were there, the representatives of old Richard Tattersall, long and favourably known to many a brave veteran sportsman included in that company. But Richard, alas! had long since joined the great majority. He lived in memory, and to his memory was the toast proposed. He had contributed to the happiness of mankind.

That I should have been asked to be present on this historic occasion was extremely gratifying, but I could find no reason for the honour conferred upon me, except that it might be because I had always endeavoured to make myself agreeable — a faculty, if it be a faculty, most invaluable in all the relations and circumstances of life. I was flattered by the compliment, because in reality I was the guest of all the really great men of the day. Not the only representative of the profession to which I belonged was I, for there were one or two Queen's Counsel and about the same number of Serjeants, besides those fashionable members of the Bar who are seen almost everywhere except in court, and know almost everything except their business.

But a still more striking honour was in store for me. I was called upon to respond for somebody or something; I don't remember what it was to this day, nor had I the faintest notion what I ought to say. I was perfectly bewildered, and the first utterance caused a roar of laughter. I did not at that time know the reason. It is of no consequence whether you know what you are talking about in an after-dinner speech or not, for say what you may, hardly

anybody listens, and if they do few will understand the drift of your observations. You get a great deal of applause when you stand up, and a great deal more when you sit down. I seemed to catch my audience quite accidentally by using a word tabooed at that time in sporting circles, because it represented the blacklegs of the racecourse, and was used as a nickname for rascaldom. 'Gentlemen,' I said, 'I have been unexpectedly called upon my *legs*——' Then I stammered an apology for using the word in that company, and the laughter was unbounded. They thought I did it for the purpose instead of it being the result of my innocence. Of course, the next morning it was in all the sporting papers, reported as an excellent joke, although the last person who saw the joke was myself. However, I diverted my audience from the subject, and made a few chaffing observations on my learned friends, explaining to my numerous hosts that the visits of these distinguished persons to the old Tattersall's were only to be accounted for by their insatiable thirst for knowledge, which is the accompaniment of the most learned, and doubtless in the future they would come to the New Palace for the same disinterested object of picking up information and dropping their money. This, I need not say, was received as a set-off to the indebtedness of my original observation.

After dinner we adjourned to the new premises, which included a betting-room, since christened 'place,' by interpretation of a particular statute by myself and others. Oh, the castigation I received from the Jockey Club on that account! Whether the monitory fox was anywhere within the precincts I

do not know, but I missed him at that time, and attributed to his absence the lapse from virtue which undermined my previous resolution, and in a moment undid the merits of exemplary years. However, it brought me to myself, and was, after all, a 'blessing in disguise'—and pleasant to think of.

We were in the betting-room, and there was Harry Hill, my genial old friend, who had advised me to take care, and never to bet, 'because we know our business better than you do.' Alas! amidst the hubbub and the excitement, to say nothing of the joviality of everybody and the excellence of the champagne, I said in a brave tone:

'Come now, Mr. Hill, I *must* have a bet, on the opening of the new Tattersall's. I will give you evens for a fiver on —— for the Derby!'

Alas! my friend, who *ought* to have known better, forgot the good advice he had given me only a few years before, and I, heedless of consequences in my hilarity, repeated the offer of evens on the *favourite.*

'Done!' said two or three, and amongst them Hill. I might have repeated the offer and accepted the bet over and over again, so popular was it. 'Done, done, done!' everywhere.

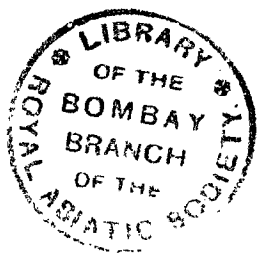
But Hill was the man for my money, and he had it —before morning the *favourite was scratched!*

It was the race which Hermit won! Poor Hastings lost heavily and died soon after. I had backed the wrong horse, and have never ceased to wonder how I could have been so foolish. 'Let me advise you not to speculate amongst us,' were Hill's words, 'for if you do we shall beat you'; and it cost me five pounds to learn that. A lawyer's opinion may be worth what is paid for it in

a case stated; but of the soundness of a horse's wind, or the thousand and one ailments to which that animal's flesh and blood are heir, I knew nothing—not so much as the little boy who runs and fetches in the stable, and who could give the ablest lawyer in Great Britain or Ireland odds on any particular favourite's 'public form' and beat him.

Put not your trust in tipsters; they no more knew that Hermit had a chance for the Derby than they could foretell the snowstorm that was coming to enable him to win it.

This was the last bet I ever made; and I owe my abandonment of the practice to Harry Hill, who gave me excellent advice and enforced it by example.


LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

CHAPTER XVIII

CHIEF BARON KELLY—JEAKES AND JACOBS—TWO HEBREW FIRMS OF SOLICITORS

AMONGST the Judges for whom I entertained the highest esteem were Kelly and Pollock, both Chief Barons of the Exchequer. They possessed—especially Pollock—so wide a knowledge of mankind that it would be difficult to find their match even in these days of wireless telegraphy. They were courteous, kind, and pleasant in every way. Kelly was extremely precise in diction and choice in language; but whatever his decision, you went away satisfied that you had been fairly dealt with—that you, at least, had had a fair hearing! He was precise and painstaking, but always in every sense of the word a gentleman of the old English school; you never smarted under a sneer, or had to put up with a mediocre jest. Pollock was equally good-natured and in every way a pattern of refinement and courtesy; his language was always well chosen, sometimes sparkling with humour, and, as it seemed to me, clear and convincing. He had mixed with the world and taken lessons from many schools of human character. Pedantry with him him was coxcombry, and common-sense the best of accomplishments.

These men were not the waifs and strays of the political world provided for by Judgeships; they were selected for their learning and character, and therefore competent for the high positions they were called upon to occupy.*

An instance of Chief Baron Kelly's careful forethought in looking at all contingencies when a settlement was being arrived at, occurs to my mind.

In a case in which my opponent and myself had agreed to dispense with the jury and try the matter before the Judge, the Lord Chief Baron showed himself almost painfully anxious about the smallest detail. Every date, no matter how unimportant, he would insist on having on his notes, lest something or other might turn upon it.

After proceeding for a considerable time, a grave discussion took place with regard to the future conduct of the case. It was a difficult matter, involving innumerable details, and there seemed every probability of its outlasting, at the rate we were progressing, the present generation. Kelly had no regard for posterity, and during the argument with the Chief Baron, details of the smallest moment became invested with an amount of importance that no one contemplated.

When the learned Judge was finally asked to make an order for an arrangement that we considered satisfactory to all parties, Kelly again laid down in precise and measured syllables his views of the situation, and

* I have studied Judges all my professional life, and am certain that the less religious or political sentiment imported to the Bench the better it is for the interests of justice.—R. H.

gave us a very beautiful discourse on contingencies that might or might never arise, events that might or might not happen.

'I will make no order,' said his lordship with great emphasis, 'for any arrangement if there is a possibility that anything should set the parties at variance again. A mutual agreement—must of—ne—ces—sity embrace all par—ticulars and details—so—that in no circumstances should there be the least room—for—any—mis—understanding between—the several parties—there—fore, Mr. Hawkins—Mr. Hawkins, will you attend?—as you—well know—you must shape—the order—so that—due pro—vision be—made for—ev—ery—con—tin—gen—cy.'

In this case it had been arranged between the opposing counsel and myself that a learned friend who had more time at his disposal than money, should proceed to the Gold Coast, the most deadly of all climates, to take evidence on commission in the cause. The arrangement had, as I have said, taken a long time to settle, because of the innumerable details to be provided for in so adventurous a business.

The Chief Baron, seeing that we had nearly come to terms, interposed with the question:

'I take it—for granted, that you—gentlemen are perfectly aware that the Gold Coast is a very—unhealthy spot, and that the special exam—iner—might—*die*—in the—course—of dis—charging his—duty?'

'Oh yes, my lord,' I answered; 'we are much obliged to your lordship for calling our attention to the matter, but we have made, I think, suitable arrangements and provided for the contingency your lordship has suggested most satisfactorily.'

Kelly bowed politely, and sat with his refined face leaning forward and his keen eye glittering with eagerness.

'Will you inform me, Mr. Hawkins, what are your proposed arrangements, and what are these most satisfactory terms? Will you be good enough, Mr. Hawkins, to let me know what it is you wish me to approve of and sanction?'

'If your lordship pleases. In the sad event your lordship seems to anticipate——'

'No, Mr. Hawkins, by no means—I trust not; but in coming to an arrangement you must provide, I said, for *all* contingencies, and this not unlikely event is one of them: let us hope the special examiner will return with unimpaired vigour to this country. What is your arrangement, Mr. Hawkins? You represent the plaintiff, as I understand?'

'Yes, my lord; and the arrangement we have come to is this: that in so sad an event as the death of the special examiner during the exercise of his duties in that behalf, he is to have power to direct, in his return to the commission, where he would like to be buried.'

Kelly seemed to think that a pretty reasonable proviso, to which he nodded his assent.

'And to make all other arrangements for the funeral that he may deem necessary.'

'Does that meet the special examiner's views, Mr. Hawkins?'

'Oh, quite, my lord. One other matter I ought to bring to your lordship's attention: it is the defendant who desires this evidence to be taken on this insalubrious coast, to say the least of it, and therefore

the arrangement is that he is to pay the funeral expenses.'

'A most satisfactory arrangement, Mr. Hawkins, and most equitable. I will make the order accordingly.'

Whether the latter part of the arrangement was ever carried out I have not learnt. Nothing more was heard of the case.

No man is true to his own character at all times or on all occasions; his diversity often depends on the merest trifle, so that he may do the very opposite of what one might expect; he may even act honestly, which is as contrary to the nature of some men as anything in this world can be.

When I came across a real good rogue I played him as though I had hooked a salmon: I let him have a little line now and then; and a little air; and then he would take a plunge into deep water, but he never got away if I could help it.

Let me give you an instance of what I mean, as illustrating human character, only that instead of taking two rogues, I will take two highly respectable Hebrew solicitors who in my early days occasionally briefed me. One of them was named Saul Jeakes, and the other Elias Jacobs. They enjoyed a large practice, were highly respected, and were both of considerable age. They had been opponents all their lives, and had grown old in their professional rivalry. What those two men did not know would have to be sought for in a warmer climate than this world enjoys.

Internally there was not much difference between them, outwardly there was; but where Nature caused them to differ in appearance Art contrived a re-

semblance so as to bring them to an equality as nearly as possible.

For instance, one—that was Saul—possessed an abundance of flowing white locks, which gave him a most patriarchal appearance. You might have taken your choice of the Biblical children of Israel and not outdone Saul in respectability of outline. He looked like Jacob asking his father's blessing. Elias, on the contrary, had no hair at all on the top of his head, which gave him a rather anti-Biblical appearance—no Esau in him; but he had a margin of hair round his neck and a little scanty fringe above the ear. To make up for this deficiency, Elias indulged in a lavish application of hair-powder, which, in my ignorance, I took to be kitchen flour. Whatever it was, he made a liberal use of it, and was a friend of the miller.

When these two worthy practitioners sat together in court it was difficult to decide who had the best of it so far as respectability of appearance went. Each was accompanied by a satellite, who revolved around his primary, and never swerved from his particular orbit. One of them was named Shakes. He it was who waited on Jeakes. The other was Davis, the gentleman usher of Jacobs. They were a family party whose friendship other people's quarrels never could disturb, but rather cemented.

I have no word of disparagement for either side. They played their game with legitimate weapons, according to the rules of Jewish warfare, and would have treated with the greatest indignation any suggestion that one of the four would or could act contrary to the highest traditions of their honourable

profession. They were most strict in their observance of the etiquette of their business.

I speak with impartiality, because I was as often for the one honourable practitioner as the other. Mr. Serjeant Byles and I divided their patronage between us—that is to say, when he was retained for one side, I was usually chosen for the other. Byles was a man of considerable humour, and although he knew our clients were conscientiously fair, he sometimes smiled at their mode of showing it. He often wondered, as I did, that gentlemen who, to vulgar eyes, would seem to be of the lowest principles should be the slaves of a despotic conscientiousness. Notwithstanding this precision, however, we were not always permitted to confine ourselves to matters that merely related to the issue; the margin was large, but confined to a proper regard to etiquette. That had to be observed, even if both clients should perish simultaneously.

This will be more apparent from a case in which I appeared for the defendant, and Byles for the plaintiff. The plaintiff himself was a strict Jew, and my client of course knew it.

The action was of the simplest kind—a claim of £25 for a baker's bill, and, so far as I could see, we had no defence whatever. The goods had been received, and the money was owing. But no human being not of their persuasion could imagine the resources of the rival firms of Jeakes and Jacobs.

The defence according to my instructions was to cross-examine the plaintiff, and I had learnt by this time enough to know that cross-examination is not always a defence to an honest action, let the books say what they will.

'Ask him,' whispered the Jew from behind his hand, 'whether he does not keep a pig.'

'Keep a pig!' I exclaimed. 'Suppose he keeps twenty pigs, must he not pay his baker's bill?'

'Yes, sir, keep a pig; he'll know what you mean. Ask him if he keeps a pig.'

I was staggered at the suggestion, and did not intend to play into his hands, whatever it might mean.

'What,' I asked, 'has a pig to do with the baker's bill? A pig does not exonerate a man from paying his debts. Is a pig an answer to an honest claim?'

'You ask him, Mr. Hawkins, you'll see,' grinned my instructor, with his lean finger to the side of his nose.

'Has he not a right to keep a pig?' I asked. 'What on earth do you mean?'

'Ask him, sir; he'll be so mad, he'll forget all about his case, and won't answer another question; and Mr. Serjeant Byles shall get no more answers from him, too.'

I need not say the question was not put, and the baker was triumphant!

There was a young solicitor who had been entrusted with a defence in a case of murder. It was his first case of importance, and he was, of course, enthusiastic in his devotion to his client's interests Indeed, his enthusiasm rather overstepped his prudence.

By way of extra precaution, when the case was about to be called on, he managed in some way or other to ingratiate himself with a man who was a juror-in-waiting, and likely to be called into the box to try his case. By dint of perseverance and persuasion

ne obtained a promise from the man that if he should be on the jury he would consent to no other verdict than manslaughter, which would be a tremendous triumph for the young solicitor.

The case was a very strong one for wilful murder. The friendly juror-in-waiting was called, and took his seat in the box. Everything went well except the evidence, and the solicitor's heart almost failed for fear his man should give way. Would the juror think more of the money than his conscience? The jury retired, and were absent for a long time; then returned to court, and said they were unable to agree.

Now the young solicitor felt he was right: it was his faithful juror who was standing out.

'All agreed but one, my lord.'

'Go back to your room,' said the Judge; which they did, and after another long absence returned with a verdict of 'Manslaughter.'

The prisoner's solicitor was jubilant with his success. His client was saved from the gallows, and his ten years' penal servitude was nothing. Presently, however, he met his juryman and congratulated him on his firmness, and thanked him effusively for his exertions in his client's behalf.

'How did you manage it, my good friend,' he asked —'how did you manage? It was a wonderful verdict —wonderful!'

'Oh,' said he, 'I was determined not to budge. I never budge. I gave you my word, and I stuck to it. Conscience is ever my guide.'

'I suppose there were eleven to one against you?'

'Eleven to one! It was a tough job, sir—a tough job.'

'Eleven for wilful murder, eh?' said the jubilant young man. 'Dear me, what a narrow squeak!'

'Eleven for *murder!* No, sir!' exclaimed the juror.

'What, then?'

'*Eleven for an acquittal!* You may depend upon it, sir, the other jurors had been "got at."'

Lord Watson, dining with me one Grand Day at Gray's Inn, said he recollected a very stupid and a very rude Scotch Judge (which seems very remarkable) who scarcely ever listened to an advocate, and pooh-poohed everything that was said.

One day a celebrated advocate was arguing before him, when, to express his contempt of what he was saying, the cantankerous old curmudgeon of a Judge pointed with one forefinger to one of his ears, and with the other to the opposite one.

'You see this, Mr. ——?'

'I do, my lord,' said the advocate.

'Well, it just goes in here and comes out there!' and his lordship smiled with the hilarity of a Judge who thinks he has actually said a good thing.

The advocate looked and smiled not *like*wise, but a good deal more wise. Then the expression of his face changed to one of contempt.

'I do not doubt it, my lord,' said he. 'What is there to prevent it?'

The learned Judge sat immovable, and looked—like a judicial—*wit.*

CHAPTER XIX

ARISING OUT OF THE 'ORSINI AFFAIR'

THE 'Orsini Affair' was one of high treason and murder. It was the attempt on the part of a band of conspirators to murder Napoleon III. In order to accomplish this *political* object, they exploded a bomb as nearly under His Majesty's carriage as they could manage, but instead of murdering the Emperor they killed a policeman.

Orsini was captured, tried, and executed in the good old French fashion. His political career ended with the guillotine, a sharp remedy, but effective, so far as he was concerned.

One, Dr. Simon Barnard, was more fortunate than his principal, for he was in England, the refuge of discontented foreign murderers, who try to do good by stealth, and sometimes feel very uncomfortable when they find that it turns out to be assassination.

Barnard was a brother conspirator in this famous Orsini business, and being apprehended in England, was taken to be tried before Lord Chief Justice Campbell, Edwin James and I being retained for the defence.

There was no defence on the facts, and no case on

the law. He was indicted for conspiracy with Orsini to murder the Emperor in Paris.

I had prepared a very elaborate and exhaustive argument in favour of the prisoner, on the law, and had little doubt I could secure his acquittal; but the facts were terribly strong, and we knew well enough if the jury convicted, Campbell would hang the prisoner, for he never tolerated murder. With this view of the case, we summoned Dr. Barnard to a consultation, which was held in one of the most ghastly rooms of Newgate.

It was the most miserable place to be found outside the gaol, and could only be surpassed in horror by one within. It might have been, and probably was, an ante-room to hell, but of that I say nothing. I leave my description, for I can do no more justice to it. The only cheerful thing about it was Dr. Barnard himself. His cheerfulness was amusing. He was the most cold-blooded person I had ever met. Not one of those dark, mysterious beings your read of in novels. He gave the lie to your stage conspirator, and talked as cheerfully as if he were calculating the chances of the favourite winning the Derby. In its very lightness the situation seemed to be serious. He was totally unconcerned with the danger of his situation, and regarded himself as a hero of the first order. Murder, hanging, guillotine—all seemed to be the everyday chances of life, and to him there was nothing sweeter or more desirable, if you might judge by his demeanour.

I thought it well to mention the fact that, if the jury found him guilty, Lord Campbell would certainly sentence him to death, leaving him to get out of

it as best he could, and explained to him that his position was one of extreme danger, but he exhibited no emotion whatever. Shrugging his shoulders, after the manner of a Frenchman who differed from you in opinion, he said:

'Well, if I am hanged, I must be hanged, that is all.'

With a man like him it was impossible to argue or ask for explanations. He seemed to be possessed with the one idea that to remedy all the grievances of the State it was merely necessary to blow up the Emperor with his horses and carriage, and coolly informed us, without the least reserve, that the bombs manufactured with this political object had been sent over to Paris from England concealed in firkins of butter. I can find no words in which to express my feelings.

So ended our first consultation. The 'merits' of the case were gone; there was no defence. But whatever might be our opinion on Dr. Barnard's state of mind, we could not abandon him to his fate. We were retained to defend him, and defend him we must, even in spite of himself, if we could do so consistently with our professional honour and duty.

Accordingly we had another consultation, and, as I have said, there was one other room in England more ghastly than that where we held our first interview, so now I reluctantly introduce you to it.

If a man about to be tried for his life could look on this apartment and its horrors unmoved, he would certainly be a fit subject for the attentions of the hangman, and deserving of no human sympathy. It was enough to shake the nerves of the hangman himself.

We were in an apartment on the north-east side of the quadrangular building, where the sunshine never entered. Even daylight never came, but only a feeble, sickening twilight, precursor of the grave itself. It was not merely the gloom that intensified the horrors of the situation, or the ghastly traditions of the place, or the impending fate of our callous client; but there was a tier of shelves occupying the side of the apartment, on which were placed in dismal prominence the plaster of Paris busts of all the malefactors who had been hanged in Newgate for some hundred years.

No man can look attractive after having been hanged, and the indentation of the hangman's rope on every one of their necks, with the mark of the knot under the ear, gave such an impression of all that can be conceived of devilish horror as would baffle the conceptions of the most morbid genius.

Whether these things were preserved for phrenological purposes or for the gratification of the most sanguinary taste I never knew, but they impressed me with a disgust of the brutal tendency of the age.

Dr. Barnard, however, seemed to take a different view. Probably he was scientific. He went up to them, and examined, as it seemed, every one of these ghastly memorials with an interest which could only be scientific. It did not seem to have occurred to his brain that *his* head would probably be the next to adorn that repository of criminal effigies.

He was in charge of a warder, and looked round with the utmost composure, as though examining the Cæsars in the British Museum, and was as interested as any fanatical fool of a phrenologist. He shrugged

his shoulders, raised his eyebrows, and repeated his old formula, 'Well, if I am to be hanged, I must be hanged.'

He was acquitted. My elaborate arguments on the law were not necessary, for the jury actually refused to believe the evidence as to the facts. I have never known why; but perhaps our old friends Jeakes and Jacobs could explain. I cannot.

Such are the chances of trial by jury!

As a relief to this gloomy chapter I must tell you of a distinguished Judge who had to sentence a dishonest butler for robbing his master of some silver spoons. He considered it his duty to say a few words to the prisoner in passing sentence, in order to show the enormity of the crime of a servant in his position robbing his master, and by way of warning to others who might be tempted to follow his example.

'You, prisoner,' said his lordship, 'have been found guilty by a jury of your country, of stealing these articles from your employer—mark that—*your employer!* Now, it aggravates your offence that he is your employer, because he employs you to look after his property. You *did* look after it, but not in the way that a butler should—mark that!' The Judge here hemmed and coughed, as if somewhat exhausted with his exemplary speech; and then resumed his address, which was ethical and judicial: 'You, prisoner, have *no* excuse for your conduct. You had a most excellent situation, and a kind master to whom you owed a debt of the deepest gratitude and your allegiance as a faithful servant, instead of which you paid him by *feathering your nest with his silver spoons;* therefore you must be transported for the term of seven years!'

The metaphor was equal to that employed by an Attorney-General, who at a certain time in the history of the Home Rule agitation, addressing his constituents, told them that *Mr. Gladstone had sent up a balloon to see which way the cat jumped with regard to Ireland!* He was soon appointed a Judge of the High Court.

Judges, however, are not always masters of their feelings, any more than they are of their language; they are sometimes carried away by prejudice, or even controlled by sentiment. I knew one, a very a worthy and amiable man, who, having to sentence a prisoner to death, was so overcome by the terrible nature of the crime that he informed the unhappy convict that he could expect *no mercy either in this world or the next!*

Littledale, again, was an uncommonly kind and virtuous man, a good husband and a learned Judge; but he was afflicted with a wife whom he could not control. She, on the contrary, controlled him, and left him no peace unless she had her will. At times, however, she overdid her business. Littledale had a butler who had been in the family many years, and with whom he would not have parted on any account. He would sooner have parted with her ladyship. One morning, however, this excellent butler came to Sir Joseph and said, with tears in his eyes:

'I beg your pardon, my lord——'

'What's the matter, James?'

'I'm very sorry, my lord,' said the butler, 'but I wish to leave.'

'Wish to leave, James? Why, what do you wish to leave for? Haven't you got a good situation?'

'Capital sitiwation, Sir Joseph, and you have always been a good kind master to me, Sir Joseph, but oh, Sir Joseph! Sir Joseph!'

'What then, James, what then? Why do you wish to leave? Not going to get married, eh—not surely going to get married? Oh, James, don't do it!'

'Heaven forbid, Sir Joseph!'

'Eh, eh? Well, then, what is it? Speak out, James, and tell me all about it. Tell me—tell me as a friend! If there is any trouble——'

'Well, Sir Joseph. I could put up with anything from *you*, Sir Joseph, but *I can't get on with my lady!*'

'My lady be ——. Oh, James, what a sinner you make of me! Is that all, James? Then go down on your knees at once and *thank God my lady is not your wife!*'

The consolation was enough, and James stayed.

I don't think I have mentioned a curious reason that a jury once gave for *not* finding a prisoner guilty, although he had been tried on a charge of a most terrible murder. The evidence was irresistible to anybody but a jury, and the case was one of inexcusable brutality. The man had been tried for the murder of his father and mother, and, as I said, the evidence was too clear to leave a doubt as to his guilt.

The jury retired to consider their verdict, and were away so long that the judge sent for them and asked if there was any point upon which he could enlighten them. They answered no, and thought they understood the case perfectly well.

After a great deal of further consideration they brought in a verdict of '*Not guilty.*'

The Judge was angry at so outrageous a violation of their plain duty, and did what he ought not to have done—namely, asked the reason they brought in such a verdict, when they knew the culprit was guilty and ought to have been hanged.

'That's just it, my lord,' said the foreman of this distinguished body. 'I assure you we had no doubt about the prisoner's guilt, but we *thought there had been deaths enough in the family lately, and so gave him the benefit of the doubt!*'

I was now getting on so well in my profession that in the minds of many of the unsuccessful there was a natural feeling of disappointment. Why one man should succeed and a dozen fail has ever been an unsolved problem at the Bar, and ever will be. But the curious part of this natural law is that it manifests itself in the most unexpected manner.

I was one day coming from a County Court, where I had had a successful day, and humming a little tune, when whom should I meet but my friend Morgan ——. He was a very pleasant man, what is called a *nice man*, of a quiet, religious turn of mind, and nobody was ever more painstaking to push himself along. He was a great stickler for a man's doing his duty, and was possessed with the idea that, getting on as I was, it was my duty to refuse to take a brief in the County Court.

Coming up to me on the occasion I refer to, Morgan said, 'What, *you* here, Hawkins! I believe you'd take a brief before the devil in h—.'

I was quite taken aback for the moment by the use of such language. If he had not been so religious

a man, perhaps I should not have felt it so much ; as it was, I could hardly fetch my breath.

When I recovered my equanimity, I answered, 'Yes, Morgan, I would, and should get one of my devils to hold it.'

He seemed appeased by my frank avowal, for he loved honesty almost as much as fees.

CHAPTER XX

APPOINTED QUEEN'S COUNSEL—SITTING AS A COMMISSIONER

On January 10, 1859, the Lord Chancellor did me the honour to recommend my name to Her Most Gracious Majesty, and I was raised to the rank and dignity of a Queen's Counsel.

This is a step of doubtful wisdom to most men in the legal profession, for it is generally looked upon as the end of a man's career or the beginning. I had no doubt about the propriety of the step; it had been the object of my ambition, and I believe I should unhesitatingly have acted as I did, even if it had been the termination of my professional life. My idea was to go forward in the career I had chosen. The junior work, if it had not lost its emoluments, no longer possessed the pleasurable excitement of the old days. It was never my ambition merely to 'mark time'; that is unsatisfactory exertion, and leads no whither.

But enough; I took silk, and a new life opened before me. I was a leader.

My business rolled on in ever-increasing volume, so that I had to fairly pick my way through the constant downpour of briefs, but was always pressed

forward by that useful institution known as the 'barrister's clerk.'

Whatever business overwhelms the counsel, no amount of it would disconcert the clerk, and it is wonderful how many briefs he can arrange in upstanding attitude along mantelpieces, tables, tops of dwarf cupboards, windows—anywhere, in fact, where there is anything to stand a brief on, without that gentleman feeling the least exhausted. It would take as long to wear him out as to wear to a level the rocks of Niagara. The loss of a brief to him is almost like the loss of an eye. It would take a week after such a disaster to get the right focus of things.

My clerk came rushing into my room one day so pale and excited that I wondered if the man had lost his wife or child. He did not leave me long in suspense as soon as he could articulate his words.

'Sir,' said he, 'you know those Emmetts that you have done so much for?'

I remembered.

'Well, sir, they've taken a brief to another counsel.'

It was a serious misfortune, no doubt, and I had to soothe him in the best manner I could; so to lessen the calamity I made the best joke I could think of in the circumstances, and said the Emmetts were small people, almost beneath notice.

I don't wonder that he did not see it with tears in his eyes; his distress was painful to witness. The poor fellow was dumbfounded, but at last shook his head, saying:

'We've had a good deal from those Emmetts, sir.'

'But you need not make mountains out of ant-hills.'

He did not see that either.

It may not be generally known that the Judge as Judge does not go circuit at all; he goes as a Commissioner of Assize, and as such sits as Commissioner. The Queen's or King's Counsel are also Commissioners in the same sense, and are occasionally called upon to assist the Judge Commissioners in their duty.

My being thus called upon was the occasion of this episode, and I think it was the first case I ever tried. It was at Kingston-upon-Thames, where this justly celebrated summing-up was delivered. A worthy publican was charged with conspiring to defraud certain brewers by obtaining the finest stout and getting it delivered as small-beer. It could only be accomplished by the aid of those in the brewery whose duty it was to deliver it to the customers. The charge was serious, and the prisoner was represented by a voluble barrister who possessed more eloquence than brains and more innocence than virtue—that is to say, he thought it was his duty to obey whatever instructions were given to him by his solicitor.

Many curious defences have startled the ear of Justice, but seldom has such a masterpiece as this been paraded before the public. It was the ingenious suggestion of a local practitioner, and was to this effect:

The distance which the beer had to travel from the brewery to the publican's cellar was several miles along a country road, and the learned counsel's theory was that, although it had been discovered, that a much larger quantity had left the brewery than was charged for to the publican, the fact was the rough roads had

caused it to *shake down* on its journey, and, consequently, when it arrived at the publican's it was a good deal less in quantity than when it left the brewery.

Such was the answer to the first part of the fraud, and the learned counsel amidst the roars of laughter which followed his brilliant defence, forgot all about the *second count* in the indictment — namely, the charging for *small-beer* and delivering *stout* of three times the value.

One might have acquitted the publican on account of the ingenuity of the defence, but I, as Commissioner, thought otherwise, and asked the jury whether they believed the 'shaking-down' theory—whether their own experience agreed with the hitherto unheard-of suggestion of the contraction of liquor; but whatever they might think of that matter, perhaps they would ask themselves if they ever heard of *small-beer* shaking itself down into *treble X stout* on its way to the publican.

The jury surprised the counsel by promptly returning a verdict of 'Guilty,' and the solicitor, who was one of those sharp practitioners happily so sparsely dotted about in country districts, after hearing the sentence pronounced, murmured as he left the court, 'No small-beer that for my client, by Jove!'

I was now living in Bond Street, and for the first time in my life was taken seriously ill. My clerk's worry then came home to me; not about a single brief, but about a great many. Illness would be a very serious matter, as I had arrived at an important stage in my career. A barrister in full practice cannot afford to be ill. He must be con-

tinually at work, never ceasing, while his clerk is waiting at the door to take in the next pile of papers, or, it may be, as was the case I shall presently refer to, special retainers by the score. I mention it by no means in the way of boasting, but as something to satisfy curiosity as to the amount of business which came day by day and almost hour by hour. In my distress I sent to dear old Baron Martin, as I was in every case in his list for the following day, and begged him to oblige me by adjourning his court. It was a large request, but I knew his kindness, and felt I might ask the favour. Baron Martin, I should think, never in his life did an unkind act or refused to do a kind one. He instantly complied with my request, and did not listen for a moment to the 'public interest,' as the foolish fetish is called which sometimes does duty for its neglect. The 'public interest' on this occasion was the interests of all those who had entrusted their business to my keeping. The public interests are the interests of the suitors.

Not only did the Baron adjourn his court, but he called and cheered me up with many an old tale and new story of the Turf, the Bench, and the Bar; it was all one to old Sam. 'You know,' said he, '—— was driving through Rome this spring with Jack —— and his charming wife—charming, but proper as they are made, religiously proper. Well, their carriage was more than usually beset with beggars that day, and their coachman, who was an English Jehu, and knew a good deal more Billingsgate than Italian, hearing the master shout over and over again, "Va via! Va via!" and the beggars still persisting in their clamour with-

out taking any notice of the order, at last could contain himself no longer, and, in spite of the lady's presence, shouted at the top of his voice, and in the greatest rage, "Va! va! wire! wire! Why the hell don't you wire wire when the gentleman tells you?"'

I asked what became of the lady.

'Oh,' said the Baron, 'she buried her face behind her sunshade to conceal her laughter.'

Even that little incident cheered me in my illness; and, coming as it did from so abundant a source of humour and good-nature, it not only cheered, but seemed to give me new life. It was good to see Baron Martin laugh, especially when he told a story. But his stories of the turf were endless, so I shall not begin them.

My illness threatened to be fatal. I had been overworked; and nothing but the greatest care and skill brought me round. One never knows what friendship is and what friends are till he is ill.

At length there was a consultation, Drs. Addison, Charles Johnson, Duplex, and F. Hawkins, my cousin, being present.

It was a kind of medical jury which sat upon me. I will pass over details, and come to the conclusion of the investigation. After considering the case, Dr. Addison, who acted as foreman of the jury, said:

'We find a verdict of "Guilty," under mitigating circumstances; the prisoner has not injured himself with intent to do any grievous bodily or mental harm, but he has been guilty of negligence, not having taken due care of himself, and we hope the sentence we are about to pass will act as a warning to him, and deter

others from following a like practice. The prisoner is released on bail, to come up for judgment when called upon; and the meaning of that is,' said Dr. Addison, 'that if you behave yourself you will hear no more of this; but if you return to your former practice without any regard to the warning you have had, you will be promptly called up for judgment, and I need not say the sentence will be proportioned to the requirements of the case. You may now go.'

I believe that the amusement I derived from Addison's address and treatment contributed no little to remove my depression and restore my good spirits. We ought to be grateful, I think, and have always thought, that there is such a thing as humour in the world. Without it earth would be, as the Sheffield dignitary said, a suburb of a far worse locality.

To carry on Dr. Addison's joke, I heartily thanked him for taking my good character into consideration, and practically acquitting me of all evil tendencies. Acting upon his good advice, from that time to this I have never been in trouble again, although, as I shall have occasion to relate, at one time I might have required a coroner's jury for myself and Marshal.

Watson, Q.C., afterwards Baron Watson, advised me to take a long rest; but as he was not a Doctor of Medicine, I did not act upon his advice: a long rest would have killed me much faster than any amount of work, so I worked with judgment, and although my business went on increasing to an extent that would not have pleased Dr. Addison, I suffered no evil effects, but seemed to get through it with more ease than ever, and was soon in a fair way to achieve the greatest goal

of human endeavour—a comfortable independence. The reason of getting through so much work was that I had to reject a great deal, and, of course, had my choice of the best, not only as to work, but as to clients. To use a sporting phrase, I got the best 'mounts,' and therefore was at the top of the record in wins.

Good cases are easy—they do not need winning; they will do their own work if you only leave them alone. Bad cases require all your attention; they want much propping, and your only chance is that, if you cannot win, your opponent may *lose.*

But nothing in the chapter of the Bar is more erroneous than the talk of the tremendous incomes of counsel. A man is never estimated at his true worth in this world, be he whom he may—barrister, actor, physician, or writer; and as for incomes, no one can estimate his neighbour's except the Income-tax Commissioners. They get pretty near sometimes without knowing it.

The same foolish estimate is also formed by the public, who know nothing of the subject, and when they talk of ten thousand a year, in many cases ten hundred would be nearer the mark.

One morning I was riding in the Park when old Sam Lewis, the great money-lender, a man for whom I had great esteem, and about whom I will relate a little story presently, came alongside. We were on friendly, and even familiar, terms, Sam and I, although I never borrowed any money of him in my life.

'Why, Mr. Hawkins,' said he, 'you seem to be in almost everything. What a fortune you must be piling up!'

'Not so big as you might think,' I replied.

'Why, how many,' he rejoined, 'are making as much as you? A good many are doing twenty thousand a year, I dare say, but——'

Here I checked his curiosity by asking if he had ever considered what twenty thousand a year meant.

He never had.

'Then I will tell you, Lewis: *you* may make it in a day, but to us it means five hundred golden sovereigns every week in the working year!'

It somewhat startled him, I could see, and it effected my object without giving offence. What did it matter to Sam Lewis what my income was?

'There are men who make it,' he answered.

This I neither agreed with nor denied.

'Some men have made it,' I said; 'and I know some who make more, but will never own to it, ask who may.'

Nevertheless, I liked Sam Lewis, and having told the story of the Queen's Counsel who *borrowed* my money in so dishonest a manner, I will tell one of Sam, the professional money-lender.

He never was known to take advantage of a man in difficulties, and he never did, nor to charge anyone exorbitant interest. I have known him lend to men and allow them to fix their own time of payment, their own rate of interest, and their own security. He often lent without any at all. He knew his men, and was not fool enough to trust a rogue at any amount of interest. He was known and respected by all ranks, and never more esteemed than by those who had had pecuniary transactions with him. He was the soul of honour, and his transactions were world-wide; business passed through his hands that would have been

entrusted nowhere else; so that he was rich and no one was more deservedly so. Some men, on account of their calling, are spoken against by others whose halo of virtue prevents their seeing very clearly; and, of course, as a 'money-lender,' he was looked upon by those who neither knew him nor needed him as 'one of the fraternity.' Prejudice, alas! will injure the best of characters, as Envy will attack the most meritorious. The borrower, on the other hand, is never looked upon in any other light than a down-trodden honest man or a deluded fool. He is often both.

Here is an incident in Lewis's business life that will show one phase of his character:

He held a number of bills, many of which were suspected by him to be forged—that is to say, that the figures had been altered after the signature of the acceptor had been written.

They were all in the name of Lord ——

One day Lewis met his lordship in the Park and mentioned his suspicion, at the same time inviting him to call and examine the bills. The noble lord was a little amazed, and proceeded at once to Lewis's office. Seating himself on one side of the table with his noble creditor opposite, Lewis handed to him the bills one by one and requested him to set aside those that were forged.

The separation having been made, it appeared that over *twenty thousand pounds' worth of the bills were forged!* The noble lord was a little startled at the discovery, but his mind was soon eased by Lewis putting the whole of the forged bills into the fire.

'There's an end of them, my lord,' said he. 'We

want no prosecution, and I do not wish to receive payment from you. I ought to have examined them with more care, and you ought not to have left space enough before the first figure to supplement it by another. The rogue could not resist the temptation.'

So ended this monetary transaction, creditable alike to the honour and generosity of the money-lender.

CHAPTER XXI

ARTHUR A'BECKET—'TAKEN IN' TO CROSS-EXAMINE IN CHANCERY—JESSEL'S IDEA OF IT

THE most steady of minds will sometimes go on the tramp. This was never better illustrated than when the young curate was being married, and the officiating clergyman asked him the formal question, 'Wilt thou have this woman to thy wedded wife?'

The poor bridegroom, losing self-control, and not having yet a better-half to keep him straight, answered, 'That is my desire,' anticipating by a considerable period a totally different religious ceremony of the Church, namely, the Baptism of Infants. In his anticipation the young man had overreached the necessities of the situation.

This momentary digression leads me to the following story: I was staying at the house of an old friend, a wealthy Hebrew, while another of the guests was Arthur A'Becket. As will sometimes happen when you are in good spirits, the conversation took a religious turn. We drifted into it unconsciously, and our worthy host was telling us that he was in the habit of praying night and morning. Being in a communicative mood, I said, 'Well, since you name it, I sometimes say a little prayer myself.'

The Hebrew was attentive, and seemed not a little surprised. 'This is especially the case in the morning,' I added.

But once upon a time my mind wavered a little between business and prayer, and I found myself in the midst of my devotional exercise saying, 'Gentlemen of the jury.'

'Thank God!' cried A'Becket, 'our friend Hawkins is not a Unitarian.'

I often wonder how I was able to get through the amount of business that pressed upon me and retain my health, but happily I did so. One great factor in my fortunate condition of health was, perhaps, that I had no ridiculous ambition. What was to come would come as the result of hard work, for I was born to no miraculous interpositions or official friendships.

Having dropped gambling, I set to work, and after a long spell of *nisi prius*, in all its phases, had engaged my attention, a new sphere of action presented itself in the shape of Compensation Cases—an easy and lucrative branch, which seemed to be added to, rather than have grown out of our profession; but whatever was its connection, it was a prolific branch, hanging down with such good fruit that it required no tempter to make you taste it.

Railway, Government, and Municipal authorities were everywhere taking land for public improvements, and where they were there were, as a rule, my friend Horace Lloyd and myself, fighting in friendly rivalry as to the amount to be paid.

But before I say a word or two about my labours in this landscape—for it is rather that than a 'field'—I

must mention an incident that occurred in the course of my advocacy as a Queen's Counsel.

Lord Romilly was Master of the Rolls when Jessel, afterwards Master of the Rolls, was Solicitor-General. I was retained to cross-examine some witnesses in a Chancery suit. It was a case in which the plaintiff prayed that the Corporation of London might be restrained from taking proceedings against my clients, who were building shops on the Corporation ground; these buildings, it was alleged, would be prejudicial to the interests of New Smithfield, which was the property of the Corporation.

Jessel was my leader, but I was 'brought in to cross-examine.' Chancery leaders are not supposed to have devoted their studies to the art of cross-examination, and at that time knew little, if anything, about it, any more than a dentist would understand how to amputate a limb. Consequently, when they were of opinion that an affidavit was false, they had recourse to a common law advocate to examine into the grounds upon which that very learned document was constructed. I speak with great reserve, because I am not acquainted with the minds of Chancery men.

'Leading' is much easier than cross-examining, and Jessel was a good leader. A leader is like the ring-master in a circus, and merely smacks his whip and cries 'Hoop-la!' or words to that effect, while the dauntless cross-examiner rides any number of horses, and if successful secures the applause of the audience by his skilful horsemanship. Jessel was my ring-master.

I was instructed to cross-examine with the view of showing that, whatever might be the rights or the

wrongs of the Corporation of London with regard to their Smithfield Market, they had allowed the works to proceed without interruption for so long a time that it would be inequitable to interrupt them at this period.

Mr. Wentworth was the managing clerk for the defendants, my clients, and I mention that gentleman's name for reasons which will appear more particularly hereafter.

No sooner did I meet the great leader than he asked, by no means pleasantly :

'What are *you* here for?'

I said, as the fact was, I had come to cross-examine the witnesses for the Corporation on behalf of the defendants.

He growled : 'Then you may as well go back to your own court, for you'll do no good with them by any of your cross-examiners,' nodding significantly at Romilly.

This was quite after the Chancery manner of those days. Chancery counsel generally resent all intrusion from what they call outsiders, and think they possess the exclusive right to the ear of the court. They very nearly do possess it. This nodding and winking at the Judge was not in the best form, either, as it seemed to me then.

At this moment Mr. Wentworth came up, and I told him all that Jessel had said, and described the polite manner in which he had addressed me.

Wentworth, in an imitative tone of Jessel's roughness, both of voice and manner, said : 'Oh, never mind *him*, Mr. Hawkins : you cross-examine, and it will be no fault of yours if you don't succeed ; but I am sure you will.'

Jessel, seeing I was intent on remaining and doing my duty, began to show what he supposed to be fellow-feeling for me in my awkward position, though what the awkwardness was I failed to understand, as he failed to understand what my position and duties were. Still, he seemed to be desirous of making things pleasant, and showed his idea of what was true advocacy by taking me aside and saying: 'Although you cannot do a bit of good, you had better earn your fee' (which was fifty guineas), 'and then they'll be satisfied.'

Such was the equity of the situation according to the future Master of the Rolls.

Being thus encouraged by my leader, I went to work for about three hours, during which time I managed to elicit all I wanted, and the Master of the Rolls, requiring no more nods from Jessel, took time to consider his judgment.

In the course of a few days Romilly gave judgment, which is only remarkable for the observation that accompanied it.

'Little,' said he, 'as I value cross-examination generally, I must say that the cross-examination of Mr. Hawkins much struck me.'

It is not wonderful that the Master of the Rolls should think very little of cross-examination such as he had generally in his court; but a special cross-examiner from the Common Law Courts was a different matter, and struck the learned Master so forcibly that he gave judgment upon it.

It was so effective that the wealthy Corporation of London, who had lost their case in consequence, were altogether amazed and remained dumb for the future

respecting their claim, and would not permit their solicitor to appeal. To them the cross-examination was decisive.

I mentioned Mr. Wentworth's name not only as instructing me in this case, but as a man on whom you could implicitly rely in all circumstances. He was a shrewd, clever, well-bred lawyer, and I will give an instance of his straightforwardness.

I was counsel for the plaintiff in a claim against the Metropolitan Railway Company, Lloyd, as usual, being my opponent. It was tried before a jury, and after the case had proceeded for some little time we agreed to refer the amount of compensation to be awarded to the foreman of the jury, dispensing with the services of the eleven.

It seemed so fair and desirable an arrangement that Mr. Wentworth, who was instructing Lloyd against me, said:

'If Mr. Hawkins will consent to that, I will undertake to pay whatever sum the foreman awards.'

Of course, there was no necessity to pledge himself thus arbitrarily against all contingencies; but he did so, his desire being to put a stop to all future litigation.

Our claim was £10,000, which meant, of course, that a verdict for considerably less would satisfy the plaintiff; but it is always necessary to claim more than you want, as the tribunal always gives you credit for doing so, and if you did not you would in nine cases out of ten get less than you ought.

The foreman, however, to the surprise of everybody, and to no one greater than ourselves, awarded us *£22,000!*

Lloyd was absolutely upset at the exaggerated sum, asseverated with much particularity of expletive, and swore it could not, would not, and should not stand. By all that was holy he'd appeal against such an award as that! But notwithstanding his threats, there was no getting my client to throw off £12,000 if he could retain it. There was no necessity, however, for him to worry about it. Mr. Wentworth was firm; nothing would induce him to waver; he had given his word. 'Whatever the foreman awards I will pay. I told Mr. Hawkins I would do so if you referred it to the foreman, and I will pay the amount.' In this honourable spirit he resisted all endeavours to persuade him to make an application to set aside the award.

Wentworth seemed to take a bird's-eye view of human nature, as it seems to me, and he had a perfect right to take it from any altitude he pleased, so long as he did not injure the people he was looking at. I have not the least doubt it was an honest award, although certainly excessive.

Ever after I objected, when I was opposed to Wentworth, to his being bound to sign a written undertaking for anything when he had once given his word.

CHAPTER XXII

'FARMER RYDE'—THE PRIZE-FIGHT ON FRIMLEY COMMON

'FARMER RYDE' will long be remembered and not easily forgotten by those who had the pleasure of his acquaintance. The old practitioners in compensation cases often saw an additional five hundred pounds in his cheery smile when he entered the witness-box on the one side, and a corresponding diminution by it on the other. When he shook his head it was considered five hundred or perhaps a thousand off the gross amount. Many would have 'barred' his smile if they could. 'Farmer Ryde' was ubiquitous, as were his 'Tables of Valuation,' a standard work on compensation.

I treated his evidence once with such careless indifference that it was disposed of in a way that not only took him by surprise, but roused him to considerable anger, I am afraid. He was like a burning mountain.

There never was a more trustworthy surveyor, which made it all the worse for those who wished to dispose of his evidence, and there was no way of doing it by the usual methods of cross-examination. I had recourse, therefore, to a new style of my own

invention for the occasion. It only served me once. Although he was trustworthy, of course his opinions were open to question. Ryde was a burly, healthy-looking man, who dressed in a well-to-do working farmer's style. He lived in a neat little cottage near Woking, but, as I said, came into court always with a good-humoured smile, such as a man has when he feels that he is to be the principal performer on the stage.

Knowing him well, I said good-naturedly, in the case I am speaking of:

'Good-morning, Mr. Ryde. Just come from the country?'

'Yes, Mr. Hawkins.'

'How are the crops going on?'

'Very well,' said he.

'Turnips healthy?'

'Yes, Mr. Hawkins, very.'

Then he gave his evidence on behalf of my opponents, and to their great surprise I asked nothing in cross-examination, so they could not re-examine on my merely friendly conversation. My reason for not cross-examining was a good one, as I think, for I intended to treat his evidence as that of a respectable farmer, and asked the jury in a jocular manner what information they could expect from an agriculturist, who might know a great deal about turnips, but in a matter of this sort it might be well to suggest that they should not place too much reliance on his knowledge, whatever high opinion they entertained of his honour.

Thereafter he got to be known as 'Farmer Ryde.'

There was another case in which the tables were

nearly turned against me through my chaffing a witness. When a counsel makes a mistake of that sort, and is unfortunate enough to raise the laugh against himself, his client has to pay for it. Luckily, I had presence of mind enough to escape, but not entirely to my satisfaction, for I had gone too far, and might have hurt the witness's feelings, which I had no right to do, and was sorry for afterwards. Being in unusually exuberant spirits on this particular morning, and full of the humour of the situation, I let myself go. I was defending the proprietor of an equestrian circus which was located at Gravesend, and belonged to a Mr. Lawrence Levi.

I learnt very early in my career that a witness should never score against the cross-examiner, and on this occasion nearly lost the benefit of many years' experience. But I was tempted irresistibly by the extremely conceited manner of the witness, who was manager of the circus, and the most *matador*-looking coxcomb I had ever seen in the box.

He assumed a military air which was the caricature of the most insufferable blockhead. His black hair was parted down the middle and pomatumed at the sides, which gave him the appearance of a stage corsair of the Byronic type, while his moustache was so formidable and so curled up and waxed at the ends that I could scarce refrain from laughing. His name was Phillips, but I thought it should have been Rinaldo, or something of that sort. Phillips was too low and commercial for such a stage hero. The whole court, Judge and all, were in a laughing mood, and I knew well enough that the least word would set them off, and it did so sooner than I expected.

'Now, Captain Phillips!' said I; and the laughter began.

At that time moustachios were confined to the military, and a man who exhibited that decoration was looked upon as a fop, especially if he arrayed himself in cavalier boots and a blue coat. When I said, 'Now, Captain Phillips,' I involuntarily put my fingers to my chin, where never a hair had been allowed to show itself. This had the effect of calling the attention of the audience to the point of the question.

Phillips, however, was equal to the occasion, and, turning upon me with a theatrical air, declaimed:

'I am not *Captain* Phillips; but we are not all so *bare-faced* as you, Mr. Hawkins!'

It was a smart reply, and by no means calculated to smooth my temper, which I seldom lost, for nothing in advocacy can be worse. It was necessary to retrieve my position, as the retort of Phillips had turned the laughter against me, and unless I could give him one back the verdict would be lost; such are the chances of advocacy that the result may hang upon a small thread.

'I beg your pardon, Mr. Phillips,' I answered; 'the circus whip has made you smart, and you have done justice to your teacher.'

This was taken everywhere in good part, because I said it in such a manner that no offence was taken even by Phillips, and we got on so well afterwards that in his gratitude for my well-disposed jocularity he gave himself entirely away.

I must now describe a remarkable event that occurred a great many years ago, and which caused no little

amusement at the time — indeed, for years after Baron Parke used to tell the story with the greatest pleasure.

In those old days there was a prize-fight on Frimley Common, and it was known long after as the 'Frimley Common Prize-Fight,' although many a battle had taken place on Frimley Ridges before that time, and many a one since. This particular fight was so celebrated because one of the combatants was killed, and I remember the events connected with it as clearly as if they had taken place only yesterday. At the following Kingston Assizes the victorious pugilist was indicted for manslaughter. It was an awful charge, especially before the Judge who was then presiding. The man, however, escaped for the moment, and a warrant was issued for his apprehension.

At the following circuit I was at Guildford, where the Assizes were being held. At that early date after the fight, the man 'wanted' for the manslaughter could be easily identified, as not only would his hair be closely cropped and his whiskers shaven off, but he would bear visible signs of the punishment he had undergone in the encounter.

I was sitting in court one afternoon when a country sporting attorney of the name of Morris quietly sidled up to me. I ought to mention that at these Assizes Lord Chief Justice Earle was sitting, and it was well known that he also detested the Prize Ring, and had therefore no sympathy with any of its members. He was consequently a dangerous Judge to have anything to do with in a case of this kind. His punishment would be sure to be one of severity and a conviction a dead certainty. There was a sparkle in the sporting

solicitor's eye as he glanced at me over his shoulder, which plainly intimated that he had something good to communicate.

As he came in front of the seat where I was, he said, in a subdued whisper, that he had been instructed by Lord —— to defend the accused prize-fighter; that the man was at that moment in the town, and would like to have my opinion as to whether it would be prudent to surrender at these Assizes—surrender, that is to say, to the constables who were on the look-out for him; or whether it would be better, as they were ignorant of his whereabouts, to delay his trial until the next Assizes, when he would be better prepared to face the tribunal, as by that time he would have recovered from the punishment he had received.

It is certain the jury would have taken his battered appearance as evidence of the damage he had inflicted on his adversary, whom he had unfortunately killed; and even more likely that Earle should have regarded his injuries in the same light, and punished him more severely for having received them. I had a perfect right to answer the question put to me, and felt that it was my duty to the accused to answer frankly. So I said there was little doubt, as the man was dead, and the accused still bore unmistakable signs of the contest, there would be pretty clear evidence of identity; that as Earle was not a fool, he would most certainly convict him; while being opposed to everything connected with the 'noble art of self-defence' he might send him to penal servitude for a number of years.

I had no need to say more; the solicitor, who was a ready-witted and voluble man, was anxious to amal-

gamate his opinion with mine. He was shrewd, and caught an idea before you could be sure you had one yourself.

'The most prudent thing, sir,' he said, 'would be to surrender at the next Assizes, and not at these. That is just what I thought, sir, and so I told him, advising in the meantime that he should carefully avoid putting himself in the way of the police.'

I have no doubt he acted on this opinion, for I heard that he left the town immediately, and was neither seen nor heard of again till the eve of the Spring Assizes, which were to be held at Kingston, and at which Baron Parke was to preside. The Baron was one of the shrewdest of men, as anyone would discover who attempted to deceive him.

Two or three days before Commission-day the attorney for the accused presented himself to me again, and once more sought my opinion with regard to the trial and the surrender of the accused.

'Would it be proper,' he asked, 'for my client to show his respect for the court and dress in a becoming manner, or should he appear in his every-day clothes as a working bricklayer, dirty and unwashed?'

Again I advised, as was my duty, that he should scrupulously regard the dignity of the Bench, and show the greatest respect to the learned Judge who presided; that he ought not to come in a disgraceful costume if he could help it, but appear as becomingly attired as possible. That was all I said. Let me also observe, what, perhaps, there is no occasion to say, that I impressed upon the attorney that his client should abstain from any appearance of

attempting to deceive the Judge, and informed him, as the fact was, that his lordship was scrupulously particular in all points of etiquette and decorum. The attorney was quite aware of that, and said he would take care that his client should act faithfully in accordance with my advice. Moreover, I added as a last word, 'The Judge is too shrewd to be taken in.'

After thus duly impressing upon him the importance of a quiet behaviour, I suggested that any costume other than that of the man when actually engaged in the fight *might* throw some difficulty in the way of a young and inexperienced country constable identifying him. It was never too late for even a bricklayer to mend his garments or his manners and adjust them to the occasion. The policeman who alone could identify the Frimley champion had not seen him for many months—not since the fight, in fact; and the prisoner ought not to appear in the dock in fighting costume, as the young Surrey constable saw him on that one occasion. Moreover, Baron Parke would not like him to appear in that dress.

This was, as nearly as I can remember, all that took place between us. Judge, now, of my surprise, if you can, when the case was called on, to see the prisoner appear in the dock looking like *a young clergyman*, dressed in a complete suit of black, a long frock-coat, fitting him up to the neck and very nearly down to the heels. He had the appearance of a very tame curate. His hair, instead of being short and stumpy, as when the young policeman saw him, was now long, shiny, and carefully brushed over both sides of his forehead, which gave him the appear-

ance so fashionable amongst the saints of the Old Masters.

I was utterly astounded at the change from the rude, rough bricklayer, scarred all over the face, to the clergyman-like appearance of this gentlemanly prisoner. I dared not laugh, but it was difficult to maintain my countenance. Deceive Baron Parke! I thought; he would deceive the devil himself, who knew a great deal more about parsons than Parke did.

What the Bar thought I cannot say. I know that they put down their heads, otherwise they must have laughed outright, for a prize-fighter who had killed his man, surely, in the world's history, never presented so meek an appearance. His hands, too, looked quite incapable of such a deed, and as he pulled off his right glove and took his pen to write something, you could only imagine it was more fit to join a lady's in a minuet than to punch anybody's head, especially that of a prize-fighter.

Dear old Parke looked at him for a considerable time, as though he had never seen a prize-fighter before, and was determined to make the most of him. If the ghost of Hamlet had stood in the dock instead of the prisoner, he would not have surprised the Judge more than the prisoner did.

It was a masterpiece of deception, notwithstanding my serious warning, 'Don't attempt to deceive the Judge, however much you may puzzle the young policeman.' Those were my parting words.

On the jury, it so happened, was an elderly Quaker, in his full array of drab coat, vest, and breeches, with the regulation blue stockings. He had long whitish hair, and a Quaker hat in front of him on the ledge of

the jury-box. He was what might be called a 'factor' in the situation, which it was no easy matter to know in a moment how to deal with. He would be against prize-fighting to a certainty, but how far he might be inclined to convict a prize-fighter was another matter. At last I made up my mind in what way to deal with him, and it was this, not on the merits of the noble art itself, but on those of the case. If I could convince this conscientious juror that there *might be* (that would be good enough), a doubt as to identity, it would be sufficient for my purpose, so I mainly addressed myself to *him*, after disposing of the young policeman pretty satisfactorily, leaving only his bare belief to be dealt with in argument. The young policeman's belief that *that* there was the man showed what a strong young policeman he was.

I asked the Quaker to allow me to suggest, for the sake of argument only, that *he*, the Quaker, should imagine himself putting off his Quaker dress, and assuming the costume of a prize-fighter, his hair cut so short that it would present the appearance of an aged rat; 'then,' said I, 'divest yourself of your shirt and flannel—strip yourself, in fact, quite to the skin above your belt—and with only a pair of cotton drawers of a sky blue, or any other colour you might prefer, and, say, a bird's-eye *fogle* round your waist, your lower limbs terminating in cotton socks and high-lows—with the additional ornamentation to all this elegant drapery, of a couple of your front teeth knocked out—and I will venture to ask you, sir, and any one of the gentlemen whom I am addressing, whether you think your own good and respectable wife herself would recognise the partner of her joys?'

The burst of laughter which this little transformation of the respectable stout old Quaker occasioned I was in no way responsible for; but even Old Parke fell back in his seat, and said:

'Mr. Hawkins! Mr. Hawkins!'

I knew what that meant, and when the usher, by dint of much clamour, secured me another hearing, I continued:

'Nay, sir, and if you looked at yourself in a looking-glass you would not be able to recognise a single feature you possessed, had you been battered about the face as the unfortunate man was. Why, the young policeman says in his evidence his nose was flattened, his eyes were swollen black, blue, and red, his cheeks gashed and bloody! But it is enough: if that is a correct description, although a mild one, of the man as he appeared after the scene of the conflict, how can you expect the young constable to recognise such an individual months afterwards, or any of the witnesses, although to their dying day they would not forget the terrible disfigurement of the poor fellow whom you are supposed to be trying?'

All this time there was everywhere painfully suppressed laughter, and even the jury, all of them Epsom men, and many of whom I knew well enough, were hardly able to contain themselves.

His lordship, after summing up the case to the jury, looked down quietly to me, as I was sitting below him, and murmured:

'Hawkins, you've got all Epsom with you!'

'Yes,' I answered, 'but you have got the Quaker; he was the only one I was afraid of.'

'You have transformed him,' said the Judge.

In a few minutes the verdict showed the accuracy of his lordship's observation, for the jury returned a verdict of not guilty.

I must say, however, that Parke did his utmost to obtain a conviction, but reason and good sense were too much for him.

CHAPTER XXIII

SAM WARREN, THE AUTHOR OF 'TEN THOUSAND A YEAR'

AMONGST the illustrious men whom I have met, the name of Sam Warren deserves remembrance, for he was a genial, good-natured man, full of humour, and generally entertained a good opinion of everybody, including himself. He not only achieved distinction in his profession and became a Queen's Counsel, but wrote a book which attained a well-deserved popularity, and was entitled 'Ten Thousand a Year.'

He was a member of the Northern Circuit, and I believe was as popular as his book. That he did not become a Judge, like several of his friends, was not Sam's fault, for no man went more into society, cultivated acquaintances of the best style, or had better qualifications for the honour than he.

But although he did not achieve this distinction, he was made a little lower than that order, and became in due time a *Commissioner in Lunacy*, a post, as it seemed from Sam's description, of the highest importance and no little fun.

A part of the Commissioner's duties was to visit lunatic asylums and other places where these patients were confined, with a view to report to the authorities

his opinion of the patients' mental condition. No doubt to a man of Sam's observant mind this work presented many studies of interest, as well as situations of excitement, and at times of no little humour. He found, for instance, that many of these poor creatures were possessed of a much larger income than ten thousand a year. Some of them were Dukes and some supernatural beings, who were just on a visit to this little clod of a world to see how things were going.

The Commissioner had to consider, amongst other matters, the cause of the particular state of mind in which his patients were, and it was necessary, therefore, to direct his attention to them with that object.

Soon after his appointment, and before he had become used to the work, he told me of a singular experience he once had with a particular gentleman whom he was intending to report as having perfectly recovered from any mental aberration with which he might have been afflicted. Sam wondered how it was possible that a gentleman of such culture and understanding should be considered a fit subject for confinement, for he had several pleasant and intellectual conversations with him, and found him quite agreeable and refined, and of a perfectly balanced mind.

'I had been told,' said the Commissioner, 'that the peculiar form of derangement with this gentleman was that he had aspired to distinction in the English Church; and on one memorable occasion when I called he received me, not with the usual familiarity, but with a certain stiffness and solemnity of bearing which was hardly in keeping with his courteous demeanour on other occasions. One had to be on one's guard

at all times, or one might get a knife plunged into one without notice. I chatted with him for some time in a kind and easy manner, hoping to find that the mild restraint and discipline had done the poor fellow good. Alas! how deceived I was, when, in a sudden rage, he turned upon me, and asked *who the devil I thought I was talking to!*'

'I told him a gentleman of a kind nature, I was sure, and of an amiable disposition.'

'"Yes," said he, "but that is no reason why you should not treat me with proper deference and with due respect for my exalted position."

'I bowed politely, and expressed a hope that I should never forget what was due from one gentleman to another.

'"No, no," said he, "that kind of excuse will not do. One gentleman to another, indeed! Whom are you talking to? I insist on your treating me with reverence and respect. Perhaps you do not know that I am *St. Paul?*"

'"Indeed!" said I, "I was not aware that I was speaking to that holy Apostle, to one whom I hold in extreme reverence, and whose writings I have made my study."'

After that, it seems, they got on very well together for the rest of the interview. Warren was able to delight him with his knowledge of Cappadocia, Phrygia, and Pamphylia, and the little incident of leaving his cloak at Troas, his shipwreck, and a vast number of things which the Apostle seemed very pleased to hear, while he conducted himself with that pious dignity which well deserved the obsequious reverence of the official visitor. On parting St. Paul said:

'You are rather *mixed in your Scriptures;* the only thing you are accurate about is *leaving my cloak at Troas.*'

On Warren's next visit he resolved to conduct himself with more reverence. St. Paul was looking much the same as on the previous occasion. Sam genuflected, and held down his head, putting his hands devoutly together, and making such other manifestations of reverence as he thought the case required.

St. Paul looked at Warren with wonderment, and was evidently by no means satisfied with his salutations.

'Who the devil,' said the madman, 'do you think you are making those idiotic signs to? Whom do you take me for?'

'St. Paul, your holiness.'

'"St. Paul, your holiness,"' he repeated. 'My ——, you ought to be put into a lunatic asylum and looked after. You must be stark mad to think I am the holy Apostle St. Paul. What put that into your silly brains? Down on your knees, villain, at once, and prostrate yourself before *the Shah of Persia* — the dawn of creation and the light of the universe!'

'I thought this was coming it pretty strong,' continued Sam, 'but as it was all in my day's work, I conformed as well as I could to my instructions. The difficulty was in knowing how to address His Majesty, so I stammered, "Dread potentate!" and seeing it pleased him, "Light of the universe," I cried, "it is morning! May I rise?"'

'"I perceive," said the Shah, "you are a genius."'

'What did you think of his state of mind after that?' I asked.

Sam laughed and answered: 'I thought he was

getting better, more rational, and thanked him for his good opinion. "Mighty potentate," said I, "monarch of the universe, I apologize for my mistake, but I was at *St. Luke's* yesterday."

'"My faithful Luke!" said he, and clapped his hands. I knew once more where he was.

'"The last time," said I (thinking I would rather have him the amiable Paul than the savage Shah), "your Majesty informed me that you were the holy Apostle St. Paul!"

'"So I am," answered the Shah.

'"I am at a loss, your Majesty, I humbly confess, to understand how your immortal Highness can be at one and the same time the blessed Apostle St. Paul and the Shah of Persia."

'"Because you are such a damned fool!" replied His Highness.

'Here was the fierceness of the Shah, but immediately the gentleness of the Apostle restored him to a more amiable mood, and coming towards me with a smile, he said:

'"The explanation, my dear sir, is simple;" and then, in a quiet, confidential tone, he added: "*It was the same mother, but two fathers!*"'

'I had another experience not long after in the same asylum,' continued Warren. 'One of my patients told me he had married the devil's daughter when I was asking him about his relations. "She was a nice girl enough," he said, "and although my people thought I had married beneath me, I was satisfied with her rank, seeing she was a Prince's daughter. We went off on our honeymoon in a chariot of fire which her father

lent us for the occasion, and had a comfortable time of it at Monte Carlo, where all the hotels are under her father's special patronage."

'"I hope," said I, "your marriage was a happy one."

'"Yes," said he, with a sigh, "*but we don't get on well with the old folks.*"'

I used to talk a good deal, and loved to do so, to the old Judges—that is, the Judges of my earlier days—whom I never think of but with affectionate remembrance—that is, the majority of them.

Sir Frederick Pollock, I believe, was unequalled in kindness and consideration to all who appeared before him, but more especially to the junior members of the Bar; and nothing helps a young man to learn his work and to do it well like the kindly consideration of the Judge. Many a difficulty disappears with a little encouragement from him, whereas nothing so cripples a man's energies and suppresses his ability as contemptuous demeanour on the part of the Bench.

In criminal cases Sir Frederick was fair and impartial. He would not convict a prisoner merely because he believed him to be guilty, and never when there was anything like a reasonable doubt in the evidence. The prisoner had the benefit of it as a matter of course and as a right.

As a young man—a very young man—I once had to make an application to Sir Frederick Pollock, then Lord Chief Baron, who was sitting at *nisi prius*.

In support of my application I read an affidavit, and then handed it up to his lordship, who hastily took it, read it, and afterwards, in a somewhat less courteous manner than was usual with him, said he was of

opinion that it should not be granted, and peremptorily dismissed it!

Of course, I was dissatisfied, and declared it was a denial of justice, a statement I was sorry for afterwards, but was too much annoyed to acknowledge at the time. Pollock took no notice of my observation, except to say that he required my attendance in court at half-past nine on the following morning, before the court sat for its regular business.

I had not the least idea as to the fate that awaited me, and was not so particularly comfortable after receiving the notice to attend. When I entered the Chief Baron's room the next morning, his lordship was walking up and down. Whatever my anticipations were, he quickly relieved my anxiety by shaking hands very heartily and with a kind grasp.

Then, without more ado, he said he had been hasty on the previous day when I made my application, and had not given himself time to duly consider the affidavit on its merits. Since then, however, he had been driving round the Park, and had carefully weighed both the affidavit and my application. 'I have come to the conclusion,' he added, 'that I was wrong, and I now give my full consent to your motion, and make the order asked for.'

The order was made; not a word was said about my own hastiness; his very manner forbade it on my part, and his real good-heartedness prevented it on his. The matter there ended, but from that moment I never forgot his kindness or the gratitude and respect I owed him. Pollock was strong as well as amiable.

Lord Abinger was another whom I have already mentioned, but he was not so amiable as Pollock.

Many years after this incident the Chief Baron taught me a good deal as to the duties of counsel and Judges.

It happened in this way: I was defending a man who was charged with setting fire to a stack of corn. My old friend and enemy, Rodwell, as usual, was for the prosecution.

Rodwell called a witness who swore that he saw the light put to the stack. The Lord Chief Baron was paying the closest attention to the evidence, and I think his exemplary conduct, his acute, keen, and judicial mind, make this incident almost unique in the trials of this country.

Rodwell proved his case as completely as could have been desired, with the exception of a single fact, and, doubtless, everyone saw at once that it was a somewhat material one. The witness who swore to having seen the light applied to the stack minutely described the man, and gave his *height*, *build*, and *dress*, all of which accurately agreed with those of the prisoner. No part of the description was wanting, and there stood the man answering exactly to the appearance of the incendiary.

But there was still one question of the utmost importance which the counsel for the Crown had omitted to ask. The question was whether the man at the bar was *really the man* who was seen setting fire to the stack.

It was an all-important one, and, whether omitted purposely or by accident, it was not for the counsel who defended the prisoner to bring it home to him. There is much even here to learn in advocacy.

It was no part of my duty to ask if the prisoner

was the man, but there was a lesson for me to learn, and one which I never forgot. It was this: do not ask a question which may injure your client.

At last it came to the Lord Chief Baron's turn to deal with this singular piece of evidence, and before he told the jury there was no case for them to consider, made this observation:

'Gentlemen of the jury, there is an important question which neither of the learned counsel has thought proper to ask. Mr. Rodwell, for reasons best known to himself, has not done so, and it is not for me to inquire into those reasons. Mr. Hawkins has not done so, and I can well understand his conduct, which was right and proper: it was not for him to prove the case for the prosecution. He is for the defendant, and any omission on the part of the Crown is to the advantage of the prisoner. His client is perfectly safe as the matter now stands, for, so long as that question is unanswered the prisoner, by all the rules of evidence, cannot be convicted, and ought not to be, whether he be guilty or not guilty. But as I sit here in the interests of justice, without favour to the one side or the other, neither leaning to the Crown nor to the subject, it is my bounden duty, with that object in view, and none other, to put the question which has been omitted by the prosecuting counsel. Let the witness who gave evidence to seeing the light applied to the stack stand back.'

When he had once more mounted the box, the Lord Chief Baron looked steadily at him, and said:

'You have given us a circumstantial, and as it appears an accurate, account of what you saw. You were near enough to tell us the height and to describe

the dress and appearance of the man. Now answer this question, Yes or No : Was that the man ?'

The witness answered emphatically, 'No, my lord, he was not.'

The jury were, of course, told to find a verdict of 'Not guilty,' and the man was discharged.

It was an extraordinary occurrence in advocacy, and gives rise to many theories. What Mr. Rodwell's idea was, or that of the solicitors for the prosecution, is not known. Although a Judge has no right to cross-examine for the one side or the other, he has a right to put a question in an impartial manner for clearing up a doubtful piece of evidence, and for taking every precaution that injustice is not done by any omission on the part of counsel.

CHAPTER XXIV

HOW JUDGES USED BIG 'D'S' IN THE BRAVE DAYS OF OLD

In the old days some of the Judges had a habit of swearing, which has happily gone out with many other now obsolete customs.

It should be remembered, however, that the tastes and modes of thought of bygone days excused a great deal that could not be tolerated now. The vicious habit of drinking, perhaps, was the worst of all, because it led to general depravity. That, however, has also become a habit of the past to an extent that can never be conceived by those who did not live in those remote times. The three-bottle man was not a wonder, but a regular contributor to the evening's hilarity. The Sunday morning fights on the village green to settle the week's accounts, the Sunday drinking and society's debauchery, were the common habits of an age that had little respectability and less religion.

In speaking with an old friend, who was always propounding some conundrum, he asked which I thought the worst letter in the alphabet. I considered, and after weighing the merits and demerits of a great number of good and bad characters, said:

'"B" has the worst reputation, but is in reality as harmless as "Z," although not so virtuous as "I." "B" is heavy ordnance, no doubt, and takes a good deal of loading and firing, but when all is said and done he makes more noise than he inflicts damage.'

In reality, your quick-firing 'D' is the most wicked of all. He is always ready for action, and annoys one horribly. He gets into every situation, and what I am going to relate, although it might shock the too fastidious, will not surprise one who knows anything of the world.

There was a Judge, whose name I will not give, who was so dreadfully prone to this indulgence that, being one day in particularly good form, he enjoyed himself more than usual, and came out very strongly.

The story was told to me by his associate, who, sitting immediately under his lordship, heard every word. The associate afterwards became a peer of the realm, which I hope will be a guarantee for the truthfulness of his information. He must have quite earned a peerage by the ordeal he went through with that Judge.

There was a lawsuit about a stack of hay, a small matter to occupy the time and intellect of a High Court Judge. Nevertheless, it had to be tried, and two exceedingly long-winded Serjeants-at-Law were engaged, one on either side. To show how small a matter it was, I may say that a couple of good hungry donkeys would have pretty well disposed of the haystack while the two voluble Serjeants were talking about and converting it metaphorically into legal chaff. These two advocates, indeed, were little more than chaff-cutting machines, but they had eaten

the haystack in fees before ever they came into court.

Dear old Johnny!—I don't mind identifying him so far as his Christian name goes—bore the interminable conflict of words and arguments for a long time, nearly a whole day in fact, but not without frequent admonitions, and oftentimes muttered expressions of disgust. At last the eruption came.

'D— the plaintiff!' said his lordship between his teeth.

On went the learned gentlemen. The Serjeant for the plaintiff was addressing the jury, and when he mentioned the defendant, 'D— the defendant!' muttered dear old Johnny.

On rolled the volume of eloquence notwithstanding, and presently, for about the hundredth time, came the word 'haystack.'

'D— the haystack!' said the Judge.

The other learned Serjeant next had a turn at the haystack, and was cutting at it pretty forcibly when old Johnny muttered, with his teeth set:

'D— them altogether!'

Even this was not the finish. The jury were now being enlightened on the question of quality and the various grasses, such as bents, clover, etc., which were necessary for the quality of hay contracted for by his client, when the Judge, losing all patience, looked over at his associate below, and in a voice audible enough for the orator himself to notice, said:

'Dear, dear, do stop those d—— Serjeants.'

If such were the manners of the great, how can one be surprised at the conduct of the ignorant? But I suppose swearing is as natural as whistling, and

therefore the more necessary it becomes to restrict its indulgence. But speaking of those times reminds me of a story.

A very humane gentleman, hearing that a poor miner in a North-Country coal district had lost by a sudden bereavement, his only child—a little boy of whom he and his wife were dotingly fond—called upon them and inquired about the funeral, offering to pay all expenses and to assist them in any way he could. But they were so unhappy at the loss that nothing could comfort them, and even his offer was refused without any expression of gratitude. They seemed to have no feeling except that of deep inconsolable grief, and actually refused to have the child buried.

The gentleman was no less amazed than shocked, and although he felt for them, remonstrated with some severity at their unnatural conduct.

'Wait, sir, till you have lost all you lived for,' said the mother.

'Yes, my good woman; I feel all that, and would share your trouble if I could; but even grief should be reasonable.'

The father shook his head, and the mother dropped hers on to her breast.

It was all useless; the unhappy couple writhed in their misery, and seemed almost unconscious that anyone was speaking to them.

'It is wrong of you,' said the gentleman, 'very wrong; it is wicked, and flying against Providence.'

'I don't know about *flying*,' said the man.

'Well,' added the gentleman, 'let me assist you. Let me bury the child.'

'No, no, thankee, sir; we dunna want to pit 'im in the ground; we wunna have it!'

'But have you made no preparations for the funeral, my good man?'

'Noa, noa,' answered the father, 'mither were wery fond on him.'

'But what do you intend to do, then, my good man? Just think—the child must be buried.'

'Ay, and I ha'e tho't an' all. Much obliged, sir, for your kind offer, but I means to have un *stuffed!*'

The gentleman took his departure.

I come to a pleasanter subject—namely, to good old Chief Justice Denman. He was always furious when an application was made to postpone a case, no matter for what cause. A kind friend who used to make applications for me, and whose name was Sam Joyce, obliged me on this present occasion. The court sat in those good old days at 9.30, and did not rise till five, so that there was more time to make fees than now; not only so, but if a case was progressing, in order that the parties and witnesses might not be dragged there again the next day, the Judge would sit and try it out, even if it was not over till eight or nine o'clock.

Sammy was a kind-hearted, short, stout man, who would do a kind act for anybody; and as at that time he had not much practice, I thought a little thing like this would suit him.

The reason for the application was a sound one, it being to postpone my case until eleven o'clock on the next morning instead of beginning at 9.30, in order to enable my witnesses to arrive at the Flower Pot, in Bishopsgate Street, by coach. The merry Sam,

always good-tempered, was in the highest spirits, and boldly rose to make his application. What happened I did not see, but as I was going into court immediately after, I met Sammy coming out with a face the colour of lard.

'Thank God,' said he, 'I have escaped Denman's wrath! He was mad with rage.' Sam must have had a buffeting.

The Chief Justice was by no means of an equable temper, and alternated so much that he got into many a difficulty which he would have escaped had he been more calm. The last time I saw him was at Chelmsford Assizes, when he had to try a notoriously bad woman named Chesham for the murder of two children. Old Serjeant Charnock defended her. The case stood second on the list, and it being taken for granted it would not be reached at the particular time, the witnesses were not present when it was called on. What happened when Denman found that so flagrant a neglect of duty had taken place as not 'having your witnesses ready,' in order that a break-neck pace might be kept up, I will not say. It is sufficient for the purpose of this reminiscence that the infamous woman was acquitted.

Denman was too angry to postpone the trial, and the consequence was a gross miscarriage of justice—a cheap acquittal. In these days, I need not say, such an event would never happen.

From the courts of justice to the prize-ring is an easy and sometimes pleasant transition, especially in books. From Lord Denman, with his angry voice and severe countenance, to 'Dutch Sam' is a notable change of acquaintance, and might even be pleasant,

supposing you did not come into too close contact with him. Sam was good at give and take, which is the best way to get on through life, especially in the ring. In courts of justice people, as a rule, give more than they take, and get more than they expect, except from their solicitors.

I visited from time to time such well-known persons as 'Deaf Burke,' Nat Langham, 'Dutch Sam,' and Owen Swift, all remarkable men, with constitutions of iron, and made like perfect models of humanity. Their names are unknown in these days, although in those gentlemen of the first position were proud of their acquaintance; and these men, although their profession was battering one another, were as little inclined to brutality as any. And when it is remembered that they played their game in accordance with strict rules and on the most scientific principles, it will be seen that cruelty formed no part of their character.

The true sportsmen of the period, amongst whom were the highest in the social and political world, took the same interest in contests in the ring as they did on the turf or in the cricket-field, and for the same reason. Whether Jem Mace would beat Tom Sayers had as much interest at fashionable dinner-tables as whether Lord Derby would dispose of Aberdeen or Palmerston. Lords and dukes backed their opinion in thousands, and the bargee and the ostler gave or took the odds according to the tips, in shillings. The gentleman of the long robe, therefore, was not to be supposed as altogether out of his element in sporting circles any more than the gentleman who had not a rag to cover him.

Nor was it uncommon to meet what was called the cream of society at the celebrated rendezvous of Ben Caunt, which was the Coach and Horses, St. Martin's Lane, or at the less pretentious resort of the Tipton Slasher; and what will our modern ladies think of their fair predecessors, who in those days witnessed the drawing of a badger or a dog-fight on a Sunday afternoon?

All mankind will attend exhibitions of skill and prowess, and although prize-fights are illegal, you never can suppress the spirit which gave courage that form of competition.

I spent sometimes, with many eminent spectators, a quiet hour or two at Tom Spring's in Holborn, and met many of the best men there in all ranks and professions, always excepting the Church. After one of these entertainments I was travelling with John Gully, once a formidable champion of the ring, and at that time a great bookmaker, as well as owner of racehorses — afterwards presented at Court to her most gracious Majesty the late Queen—and Member of Parliament. We were travelling on our way to Bath, and as we approached a tunnel not far from our destination, Gully pointed out a particular spot 'where,' said he, 'I won my first fight'; and so proud was he of the recollection that he might have been in a picture like that of Wellington pointing out the Field of Waterloo to a young lady.

This knowledge of the world, seen as I saw it, was of the greatest use in my profession. If you would know the world, you must not confine yourself to its virtues. There *is* another side, and it is well to look at it. I thought on one particular occasion how

useful a little of this knowledge would have been during a certain cross-examination of Arthur Orton in Chancery by a member of the Chancery Bar. He put this question and many others of a similar kind:

'Do you swear, sir, that you were on board the *Bella?*' in a very severe tone.

'Yes, sir,' says the claimant, 'I do.

'Stop,' says the advocate; 'I'll take that down;' and he did, with a great deal besides, his cross-examination materially assisting the man in prolonging his fraudulent claim.

But speaking of applications for postponement reminds me of a very curious one—at least, it seemed so then—made by a real humorist, whose name was George Brown, and who had a considerable practice in the Divorce Court.

I have said that Judges in those days were more strict in refusing these applications than in ours, and Cresswell was no exception to the rule. He disliked them, and rarely yielded. But Brown was a man of a very persuasive manner, and it was always difficult to refuse him anything. I was sitting in Cresswell's court when George rose as soon as the Judge had taken his seat, and asked if a case of his might be postponed which would be in the next day's list.

'Have you an affidavit, Mr. Brown, as to the reason?'

'Yes, my lord; but I can hardly put the real ground of my application into the affidavit. I have communicated with the other side, and they are perfectly agreeable under the circumstances.'

'I cannot agree to postpone without some adequate cause being stated,' said Cresswell.

'I am very sorry, my lord, but it will be very inconvenient to me to be here to-morrow.'

There was a laugh round the Bar, which Cresswell, observing, asked what the real reason was.

Brown smiled and blushed; nothing would bring him to state plainly what the reason of his application was. At last, however, he stammered:

'My lord, the fact is I am going to take the first step towards a divorce.'

The appeal touched the Judge; the reason was sufficient. Every step in a divorce was to be encouraged, especially the first. The application was granted, and Brown was married the next day.

I was engaged in the Brighton card-sharping case, upon which so much stress was laid by the claimant as proving his identity with Roger Tichborne, Roger not having been in the matter at all. I was counsel for one of the persons, the notorious Johnny Broom, who was indicted for fraud, and whose trial ought to have come on before Lord Chief Justice Jervis. He was not a good Judge, so far as the *defendant* was concerned, to try such a case, and that being Johnny's opinion, he absconded from his bail. The Lord Chief Justice had a great knowledge of card-sharping and of all other rogueries, so that he was an apt man to deal with delinquents who practised them. Conviction before him would have been certain in this case. He was, in fact, waiting for Johnny, as it was a case of great roguery, and intended to deal severely with him.

You may imagine, then, how angry he was when he heard that his man had flown. But there was one consolation: the Broom gang consisted of a number of men

who acted on all occasions as confederates when the frauds were practised. Two of these rogues were also indicted, and placed on their trial at this assize.

A Mr. Johnson appeared for the prosecution, and in opening the case for the Crown, in order to show his uncommon fairness, was so impartial as to state that he could find no ground of complaint in respect of the *cards*, which, he said, had been most carefully examined by the Brighton magistrates.

Who these Brighton magistrates were I never heard, but probably they were gentlemen who knew nothing of sharpers and their ways, and whose only experience of cards was a quiet rubber with the ladies of their household. However, such was their unanimous opinion, and upon it the counsel for the Crown informed the Lord Chief Justice that he had no case so far as the fairness of the cards was concerned. Mr. Johnson was young—younger even than he looked—and the Brighton magistrates were older than they seemed. The men whom Johnson was prosecuting could have given him a wrinkle; they had been pupils of Johnny Broom.

The Lord Chief Justice saw in a moment the importance of that admission on the part of the prosecution. If that were accepted the case was gone, since the fraud for which these men were indicted could not have been perpetrated by honest cards.

'The Brighton magistrates!' said the Chief Justice, with becoming emphasis. 'Give me the cards; I should like to have a look at them.'

They were handed up, and then a little scene took place which was picturesque and instructive. The Judge took up the cards one by one after carefully

wiping and adjusting his glasses to his nose, while his confidential clerk leant over his shoulder with clerk-like familiarity. Having scrutinized them with the minutest observation, Jervis packed them up, and, turning to Mr. Johnson, said :

'Mr. Johnson, I will show you how the trick was done. If you will take that card—handing him one from the pack—you will see that to the ordinary eye there is nothing to attract your attention. That is precisely as it should be in all games of cheating, for if every fool could see the private marks the rogues could not carry on their calling.'

Johnson took the card, and, instructed by the Lord Chief Justice, carefully looked it over, but saw nothing. His face was a perfect blank, and his mind could not have been much more picturesque.

'Turn it over,' said his lordship. Johnson obeyed. Still the cryptic hierograph did not appear. The Judge stared at his pupil. 'Do you see,' asked his lordship, 'a tiny mark on the corner of the card at the back?'

'Oh, I see it!' says Johnson, with a face beaming with delight and simplicity.

'That means *the ace of diamonds*,' said the Chief—'ace of diamonds, Mr. Johnson!' And thus, after a while, the cards and their secret signs were explained to the counsel for the Crown, who, on the intelligence of the Brighton magistrates, declared that, so far as the *cards* were concerned, he must acquit these card-sharping rogues of all intention to deceive.

In all cases the back of the card showed what was on the face; that was the simple secret of the whole contrivance, although the Brighton magistrates could

not discover it, as the whole of them combined had not a hundredth part of the intelligent cuteness of Lord Chief Justice Jervis.

Two of this gang were standing near me, and I heard one of them say to the other:

'Joey, how would you like to play blind hookey with that —— old devil?'

'Oh my G—!' exclaimed Joey.

The prisoners were convicted principally upon the evidence of the Lord Chief Justice, and sentenced to long terms of imprisonment. My client Johnny got away. He read about Jervis and this trial in the papers, and declared he would sooner abandon his profession than be tried by such an old thief. 'Why,' said he, 'that old bloke knows every trick on the board.'

Johnny's patience was untiring; he did not mind waiting to be tried. It was the trial itself he disliked, so he bided his time. No assize went by that he did not carefully estimate his chances, so that he might have made a betting-book. He studied the public form, and weighed the merits of the Judge who was coming the particular assize.

At last came one to his liking, a good old sportive man of the world who had never studied the backs of cards or looked on kings and knaves with any close discrimination or study. Johnny surrendered. It was our dear old Pollock, every whit as shrewd as Jervis and as learned, but he did not throw so much personal element into his cases. As I said before, if a prisoner had a chance of an acquittal, he was too much of a sportsman to catch him in a trap. Johnny was fair game for the Crown to hunt, but the Crown

itself must hunt in a sportsman-like manner. The cards produced against him were not the cards the Brighton magistrates had seen, for they positively had declared they were free from suspicion, and Johnny was very properly acquitted. This was a somewhat new and perplexing point, and my client was cute enough to see it at a glance.

There is one other incident I should mention in the matter of Johnny Broom, and that is his escape. He came into Lewes fully intending to take his trial, and went out of Lewes with the determination not to be tried at those assizes, for the simple reason, as he said, that Jervis was too heavy weight for his counsel.

He took a room and showed himself publicly; but at night the police—those stalwart county men—paid a tiptoe visit to his bedroom. They had no right to this privilege, but perhaps Harry thought it would be better for his brother if they did so. Why they went on tiptoe was that Harry told them his brother was in so weak a state that he woke up with the least noise. The police very kindly believed him, and paid their first and second visit on tiptoe.

When they went the third time, however, their bird had flown. Johnny had let himself down by the window, and, evading the vigilance of those who may have been on the look-out, escaped.

But he did not go without providing a substitute. Harry was to answer all inquiries, and waited the arrival of his watchers, lying in Johnny's bedroom. When the officers came he opened the door in his night apparel, and said, 'Hush! don't disturb him; poor Johnny ain't slept hardly for a week over this 'ere job.' But you can have a peep at him, only don't

make a noise. There he is!' and he pointed to a fancy nightcap of his brother's, which only wanted Johnny's head to make the story true.

The good constables, having seen it as they saw it the night before, left the house as quietly as mice, still on tiptoe.

Harry described this performance to me himself.

Jervis had the whole country scoured for him, but unless he had scoured it himself, there was little chance of anyone else finding the culprit.

CHAPTER XXV

CLUBS

I BELONGED to several clubs, and, however different they were in outward aspect, there was one all-pervading identity: they were human—that is to say, they all possessed the same little weaknesses for enjoyment and luxury, whether the Athenæum or the Victoria, the National or the International, Union or Reform, Crockford's or Brooks's. The following little incident will show how the highly intellectual blends with this common characteristic.

An old butler at the Athenæum, who had been there for a great number of years and knew every member, from the Archbishop to the junior barrister, was, of course, well acquainted with their appetites and their tastes for the different wines of the establishment. There was one thing, however, that troubled this butler beyond measure, and that was the *decadence* of the *old Athenæum*—not in its intellectual worth, but in its love of a fine old port, which in the old days had been the pride of the club, but now was lying in dismal and neglected solitude.

One day he observed, to his great delight, two old members of the club enter the dining-room. They had been absent for many years, and his face brightened

as they took their seats in a cosy corner and ordered dinner.

As he hovered around, watchful of their requirements, there fell upon his ear the most grateful words he had listened to for many a year.

'Perkins, have you any of that fine old port left?'

What a thrilling moment for Perkins! 'Yes, sir! yes, sir!' then, after a pause: 'Oh, gentlemen, this is a great pleasure—a great pleasure, gentlemen, to meet anybody who remembers that old port; we don't serve none of that now, sir. There was a time when some gentlemen who honoured us with their company never thought they'd dined if they didn't have a bottle of that old port, and sometimes, gentlemen, one extra.'

'Indeed, Perkins!'

'Yes, sir. Gentlemen, it *is* good to see gentlemen who don't forget it.'

After the wine was placed on the table, Perkins looked at it as a mother would on her first-born, then sighed and said:

'Gentlemen, you will excuse my feelings, but I must say it — times have changed, and gentlemen have changed. But of all changes *I* have ever knowed, members of this club, and gentlemen, I'm sorry to say it, never so much as asks nowadays about that old port, and confines their taste to *cheap clarets*. Oh, it's a great falling away, gentlemen—a great falling away!'

He turned to another part of the room, looking back occasionally with longing eyes at the old port, and presently returned. Encouraged by the diners, he proceeded with his eulogy:

'You wouldn't believe it, gentlemen, but such is the

case—they *ackshally prefers to spend their money on their smutty old books.*'

But now for a conversational contrast which took place at the Benchers' table of the Middle Temple.

Sir Richard Bethell (afterwards Lord Westbury) and I were Benchers at the same time, and consequently often met. Westbury was a great man, but his disposition could not be said by his dearest friends to have been one of great amiability. If he wounded you with his wit, the sore seldom healed. He was a good hater, and hated Campbell with his whole heart.

'Jock,' it seemed, had stolen a march on him, and got to the Woolsack first.

'I was Solicitor-General,' said Westbury, 'and while I was engaged in getting my Divorce Bill through the Commons, the Lord Chancellorship fell vacant, and Jock promised if I let him have it he would vacate in my favour, which he afterwards refused to do, remarking that he was very comfortable and would not change for the warrld.

Then Bethell damned Jock Campbell with all his might. 'Had I known he would not resign,' said he, 'when I wanted him to, I'll be d——d if old Jock should have been Chancellor at all!'

The following was sent by a friend: 'Many years ago there was a will case before Hannen in which you were engaged with "the Apostle," as we called him; Devil Harrison, who had a way of emphasizing a remark by slapping the heel of his right boot; Mr. Serjeant Parry, and others. In a sweet voice the Apostle told the court they had agreed. The agreement involved a great reduction in the legacies. "*I* have not agreed," said a voice from a back row. "Who are *you?*" sneered the

Apostle. "I'm the Butcher's daughter," said the junior. "And a damned artful one!" said Hawkins. "I can cut up rough at times." "Better fall in with us and take *half*," said Devil Harrison, slapping his heel violently. "And fall out with my client? Thank you, no." "Why did you not speak before?" asked the Apostle. "Didn't know I was allowed to; I'm only a junior." "If we go on you'll get nothing," said Parry, lifting his eyebrows and smiling with the greatest good-humour. "Yes, but you'll not go on." "Where does this young lady hail from?" asked Hawkins. "*Walton-on-Thames.*" "Oh," said he, "they know a thing or two down there; it's close to *Oatlands*, Jemmy: give the young lady her five hundred and let her go." Whereupon the Apostle sneered, Parry arched his eyebrows, the Devil slapped his heel, and I got the whole of my legacy.'

Sir Alexander Cockburn said he was sitting next to Thesiger during a trial before Campbell, Chief Justice, in which the Judge read some French documents, and, being a Scotchman, it attracted a good deal of attention, and Cockburn, who was a good French scholar, was much annoyed at the Chief Justice's pronunciation of the French language.

'He is murdering it,' said Cockburn—'murdering it!'

'No, my dear Cockburn,' answered Thesiger, 'he is not killing it, only Scotching it.'

Sir Alexander Cockburn told us he was at a shooting-party with Bethell and his son, one of whom shot the gamekeeper. The father accused the son of the misadventure, while the son returned the compliment. Cockburn, after some little time, asked the gamekeeper what was the real truth of the unfortunate incident—who was the gentleman who had inflicted the injury?

The gamekeeper, still smarting from his wounds, and forgetting the respect due to the questioner, answered:

'Oh, Sir Alexander—d—n 'em, it was *both!*'

A remark made by Lord Young, the Scotch Judge, one of the wittiest men who ever adorned the Bar, and who is a Bencher of the Middle Temple, struck me as particularly happy. There was a conversation about the admission of solicitors to the roll, and the long time it took before they were eligible to pass from their stage of pupilage to that of solicitor, amounting, I think, to seven years, upon which Lord Young said: '*Nemo repentè fuit turpissimus.*'

So talked the Benchers of those days.

There was a little intellectual club to which I belonged just before that period which will illustrate the convivial habits of the times. I forget what the name of the club was, but it had its monthly dinner at which the notables met, told their anecdotes, made epigrams, and as a matter of absolute obligation, sang songs. It was a strange part of the performance, and there was only one mode of getting out of the singing, namely, by telling an original story, which was still more difficult—almost as difficult in those days as in ours—because I suppose there never was, since the beginning of the human race, an original story, except the account of its creation; ever since, the serpent seems to have wound himself into all stories and destroyed the copyright.

My old friend Venables, a portly, genial, heavy man, who had long been a member of the club, at the appointed time was called upon for his song.

It was his delight on these occasions to lean back in one of those high Windsor chairs with his elbows on the

arms, throw forward his huge legs, twirl his thumbs, and pressing his chin on to his breast, strike up in a solemn tone the heroic ballad of 'Chevy Chase.'

As a ballad it is interesting; as a song badly sung, when the singer is half asleep, and his words come as indistinct, guttural sounds, it is not so exhilarating. The hum of bees may be monotonous, but it is nothing to dear old Venables' hum when he got to the manly declaration:

'I'll do the best that do I may
While I have power to stand—
While I have power to wield my sword
I'll fight with heart and hand.'

And then, by way of catching his audience, the old man, who was to some extent a real artist, went on without taking his eyes off his watch-chain:

'And when I have no power to stand,
Why, then, we'll all combine;
And surely you'll be your pint stoup,
And surely I'll be mine?'

One man saw through old Venables' scheme, which was to exhaust the patience of the company, and put an end to the foolish practice. The penalty for not singing or telling a story was that the defaulter should drink a large tumbler of salt and water.

Venables went on to the bitter end, repeating a verse here and there, and when he happened to miss a word muttering, 'No, no,' and fetching up the lagging portion, while all the company were waiting the end of their agony.

At last the battle of 'Chevy Chase' was over, and the widows came 'their husbands to bewail,' and old Venables gave a solemn winding-up snore.

He sang it from beginning to end.

Next it came to the turn of another elderly gentleman of the name of Philpots; he also was a big man, and the moment he was called upon protested that he never sang a song in his life, and could not sing.

That made no difference, and could not be accepted as an excuse, for he had the alternative of drinking their healths in the salt and water. One performance would do equally as well as the other. I should have preferred that the whole had drunk it except myself.

'I don't know a story,' said he; 'how can I tell you a story?'

'Then drink!' they shouted. 'Give him the tumbler, and see that it's full—a brimmer for Philpots! Philpots for ever! Take your time, Philpots; perhaps you may change your mind.'

'Now look here,' said the victim, who was not without generalship, for he had been an officer in the volunteers in the time of the proposed Buonaparte invasion—'look here, I'll tell you what I'll do: if you'll give me a little time I'll oblige the company, and give you a song or tell you a devilish good story, whichever you like.'

They agreed that this was something like, and articles of peace were arranged. Philpots was to name his conditions.

'Take your time, Philpots. Philpots is a brick!'

'Well, then,' said he, 'the only stipulation I make is that Venables shall sing us "Chevy Chase" over again, and that will give me time to think of my song.'

There was a good deal of laughter at the trick, because there was not a man there who would not rather take his tumbler of salt and water than hear

that ballad over again. The conditions, however, having been accepted, Philpots got off.

Looking back to this period, it is difficult to believe that memory does not deceive me. One can scarcely conceive of gentlemen in any stage of conviviality making so foolish a rule, one so destructive of social enjoyment. But I think the ballad of 'Chevy Chase' and old Philpots abolished it.

CHAPTER XXVI

THE KNEBWORTH THEATRICAL ENTERTAINMENTS—SIR EDWARD BULWER-LYTTON — CHARLES DICKENS, CHARLES MATHEWS, MACREADY, DOUGLAS JERROLD.

ONE of my pleasantest reminiscences were the partly amateur and partly professional entertainments that took place at the celebrated seat of the distinguished author, Sir Edward Bulwer-Lytton, about the year 185–.

At that time a gentleman of position usually sought to enhance the family dignity by a seat in Parliament. The most brilliant mediocrity even could not succeed without the patronage of the great families, while the great families were dependent upon those who had the franchise for the seats they coveted.

Forty-shilling freeholders were of some importance in those days; hence these theatrical performances at Knebworth Park, for Sir Edward wanted their suffrages without bribery or corruption.

Those who were the happy possessors of what they called the 'frankise' were also distinguished enough to be invited to the great performances at the candidate's beautiful estate.

It was a happy thought to give a succession of dramatic entertainments, amongst which 'Every Man

in his Humour' was one. Sir Edward knew his constituents and their tastes; it would be better than oratory at some village inn, to ask them to the stately hall of Knebworth, and give them one of our fine old English plays.

I have already said that I had made up my mind in my earliest days to go to the Bar or the stage, and that love for the histrionic art (sometimes called the footlights) never left me. It leaves no one, for we are born with the love of the stage whether we can act or not.

For some reason or other I was invited to join the illustrious company which assembled on those eventful evenings, although I was cast for a very humble part in the performance. Nor is there much to wonder at when I tell you who my colleagues were.

First comes that most distinguished comedian of his day, Charles Mathews. I had known him for many a year, and liked him the better, if that was possible, the longer I knew him.

Mathews was the leader of the company; next was another illustrious man whose name will live for ever, and who was not only one of the greatest authors of his time, but also the most distinguished of the non-professional actors. Had he been on the stage, Mathews himself could not have surpassed him. This was Charles Dickens.

After him comes a great friend of Sir Edward, John Foster, a barrister of Lincoln's Inn, and author of the 'Life of Goldsmith,' as well as editor of the *Examiner* newspaper.

I am not quite sure whether Macready was present on this particular occasion, but I think he was; there

were really so many illustrious names that it is impossible at this distance of time to be sure of every one. Macready was a great friend of Bulwer, and with Dickens and others was engaged in giving stage representations for charitable purposes in London and the provinces, so that it is at least possible I may be confounding Knebworth with some other place where I was one of the company.

Amongst us also was another whose name will always command the admiration of his countrymen, Douglas Jerrold. There were also Mark Lemon, Frank Stone, and another Royal Academician, John Leech, Frederick Dickens, Radcliffe, Elliot Yorke, Henry Hall, and others whose names escape my memory at the present moment.

No greater honour could be shown to a young barrister than to invite him to meet so distinguished a company, and what was even more gratifying to my vanity, asking me to act with them in the performance. There were many ladies, some of them of the greatest distinction, but without the leave of those who were their immediate relatives, which I have no time now to obtain, I forbear to mention their names in this work.

The business—for business it was—as well as the greatest pleasure, was no little strain on my energies, for I was now obtaining a large amount of work, and appearing in court every day. I had the orthodox number of devils—at least seven—to assist me, and every morning they came and received the briefs they were to hold.

Alas! of the illustrious people I have mentioned all are dead, all save one lady and myself!

When will such a company meet again?

I was no sooner in the midst of Knebworth's delightful associations than I was anxious to return to the toilsome duties of the Law Courts, with their prosaic pleadings and windbag eloquence. I was wanted in several consultations long before the courts met, so that it was idle to suppose I could stay the night at Knebworth. But what would I have given to be able to do so?

Not my briefs! They were the business of my life, without which the Knebworth pleasures would not have been possible. I never looked with any other feeling than that of pleasure on my work, and whenever the question arose I decided without hesitation in favour of the more profitable but less delightful occupation.

But I managed a compromise now and then. For instance, after I had done my duty in the consultations, and seen my work fairly started in court, I contrived to take the train pretty early to Knebworth, in order to attend rehearsals as well as perform in the evening.

I should like to say that these preparations for the evening were not always unattended with personal danger even to life, for during our rehearsal one afternoon the Royal Academician, whose duty it was to wield a large scimitar, narrowly missed lopping my head off with it, in which case I should never have made my two ends meet again with any satisfaction.

However, as the Royal Academician nearly put an end to my career in one way, Charles Mathews offered to make me immortal in another. He was not only a brilliant actor but an artist—that is, a painter of considerable talent — and kindly offered to paint my

portrait as a consolation for nearly losing my head, and, as I think, a set-off against the unsuccessful attempt by the other painter.

Sir Edward's good-nature caused him much distress at my having to journey to and fro. What *could* he do? He offered me the sole use of his library during the time I was there if I could make it in any way helpful, and said it should be fitted up as a bedroom and study. But it was impossible to do other than I did. The rehearsals were nearly always going on—we had audiences as though they were matinées—and they afforded much amusement to us as well as the spectators when we made our corrections or abused one another for some egregious blunder. This, of course, did not include Mathews, who coached us from an improvised royalty box, where he graciously acted as George IV., got up in a wonderful Georgian costume ior the occasion. George was so good that he diverted the attention of the audience from us, and made a wonderful hit in his new character.

I will not say that at our regular performances we always won the admiration, but I will affirm that we certainly received the forbearance, of our audience, which says a great deal for them. This observation, however, does not, of course, apply to the professional artists, but only to myself, who, luckily, through all the business still kept my head.

And it will be easily understood that this was the more difficult, especially if I may include my temper with it, when the good-natured Baronet actually invited several of his Hertford friends and neighbours to take part in the performances, some of them being friends of my own and members of my profession.

So that at this electioneering time the whole of that division was alive with theatricals and 'Every Man in his Humour,' which was exactly what Sir Edward wanted.

It was an ordeal for some of us to rehearse with the celebrities of the stage, but I need not say their good-humour and delight in showing how this and that should be done, and how this and that should be spoken, was, I am sure, reciprocated by all the amateurs in studying the corrections. Never were lessons more kindly given, or received with more pleasurable surprise. Some could scarcely conceive how they could so blunder in accent and emphasis However, most things require learning, even Advocacy and Acting.

Elliot Yorke was stage-manager, and wrote a very excellent prologue. It must have been good, it was so heartily applauded, and the same may be said of all of us. I think Radcliffe studied the part of Old Knowell while I played Young Knowell. Speaking after this interval of many years, I believe we were all word-perfect and pretty well conscious of our respective duties. Charles Dickens arranged our costumes while Nathan supplied them. He arranged me well I was quite satisfied with my Elizabethan ruff wound round my throat, but must confess that it was a little uncomfortable for the first three or four hours. My hose also gave me great satisfaction and some little annoyance.

I thought if I could walk into court without changing my costume, what a sensation I should create What would Campbell or Jervis say to *Young Knowell?*

My father, as I have mentioned, lived at Hitchin, about six miles from Knebworth, and my professional duties calling me so early to town, I arranged to sleep at Hitchin, and go to London by an early train in the morning. Sir Edward was much concerned at all this, and again wondered whether his library could not be appropriated. But the other was the only practicable plan, and was adopted. Every day I was in court by nine o'clock, worked till five, then went by rail to Stevenage and drove to Knebworth, three miles. That was the routine. It was then time to put on my Elizabethan ruff and hose. After the play I once more donned my private costume, and supped luxuriously at a round table, where all our splendid company were assembled.

After supper some of us used to retire to Douglas Jerrold's room in one of the towers, and there we spent a jovial evening, prolonging the entertainment until the small hours of the morning.

Then my fly, which had been waiting a long time, enabled me to reach Hitchin and get three hours' sleep. One night I took two of the audience, Charley Wright and Peter Cunningham, with me to Stevenage, where they had lodgings.

All this was hard work, but I was really strong, and in the best of health, so that I enjoyed the labour as well as the pleasure. One cannot now conceive how it was possible to go through so much without breaking down. I attribute it, however, to the attendant excitement, which braced me up, and have always found that excitement will enable you to exceed your normal strength.

I had very many theatrical friends, all of them

delightful in every way. Amongst them Wright and Paul Bedford. Such companions as these are not to be met with twice, each with his individuality, while the two in combination were incomparable. They kept one in a perpetual state of laughter. Paul was irresistible in his drollery, and whether it was mimicry or original humour, you could not but revel in its quaint conceits.

Such men are benefactors; they brighten the darkest hours of existence, turn sorrow into laughter, and enable men to forget their troubles and live a little while in the sunshine of humour. Banish philosophy if you please, banish ambition if you must banish something, but leave us *humour*, the light of the social world. All who have experienced its beautiful influence can appreciate its value, and understand it as one of the choicest blessings conferred on our existence.

The dullest company was enlivened when Wright entered upon the scene. I remember Paul being told one day at the Garrick Club that a certain poor barrister, who had been an actor, was going to marry the daughter of an old friend. 'Ah!' said he, 'yes, he's *a lover without spangles.*'

Who but Paul would have thought of so grotesque a simile! And yet its applicability was simply due to the language of the stage.

I remember Robson, too, and his wonderful acting; he had no rival. Nature had given him the talent which Art had cultivated to the highest perfection. Next come the Keeleys' impersonations of every phase of dramatic life—originals in acting, and actors of originals.

But I must not linger over this portion of my story. It would occupy many pages, and time and space are

limited; I therefore take my leave of one of the pleasantest chapters in my reminiscences.

All, alas! have passed away—all I knew and loved, all who made that time so happy; and reluctantly as I say it, it must be said: 'Farewell, dear, grand old Knebworth, with all thy glories and all the glad faces and merry hearts I met within your walls—a long, long farewell!'

CHAPTER XXVII

ALDERSON, TOMKINS, AND A FREE COUNTRY

ALDERSON was a very excellent man and a good Judge. I liked him, and could always deal with him on a level footing. He was quaint and original, and never led away by a false philanthropy or a sickly sentimentalism.

Appealed to on behalf of a man who had a wife and large family, and had been convicted of robbing his neighbours, 'True,' said Alderson—'very true, it is a free country. Nothing can be more proper than that a man should have a wife and a large family; it is his due—as many children as circumstances will permit. But, Tomkins, you have no right, even in a free country, to steal your neighbour's property to support them!'

I liked him when there was a weak case on the other side; he was particularly good on those occasions—at least, such was my experience.

In the Assize Court at Chelmsford a barrister whom I need not name, and who had a great defence practice, was retained to defend a man for stealing sheep, and I think in those days it was a capital offence—at all events, it was one where anything less than transportation for life would be considered excessive leniency.

The principal evidence against the man was that the

bones of the deceased animal were found in his garden, which was urged by the prosecuting counsel as somewhat strong proof of guilt, but not conclusive.

It must have struck everybody who has watched criminal proceedings that the person a prisoner has most to fear when he is tried is too often his own counsel, who may not be qualified by nature's certificate of capacity to defend. However, be that as it may, in this case there was no evidence against the prisoner, unless his counsel made it so.

'Counsel for the defence' in those days was a wrong description: he was called the *friend* of the prisoner; and I should conclude, from what I have seen of this relationship, that the adage 'Save me from my friends' originated in this connection.

The friend of this prisoner, instead of insisting that there was no evidence, since no one could swear to the sheep bones when no man ever saw them, endeavoured to explain away the cause of death, and thus, by a foolish concession, admitted their actual identity. It was not Alderson's duty to defend the prisoner against his own admission, although, but for that, he would have pointed out to the Crown how absolutely illogical their proposition was in law. But the 'friend' of the prisoner suggested that sheep often put their heads through gaps or breakages in the hurdles, and rubbed their necks against the projecting points of the broken bars; and that being so, why should the jury not come to a verdict in favour of the prisoner on that ground? It was quite possible that the constant rubbing would ultimately cut the sheep's throat. If they did not, the prisoner submitted to the same operation at the hand of his 'friend.'

'Yes,' said Baron Alderson, 'that is a very plausible suggestion to start with, but having commenced your line of defence on that ground, you must continue it, and carry it to the finish; and to do this you must show that not only did this sheep in a moment of temporary insanity—as I suppose you would allege in order to screen it—commit suicide, but that it skinned itself and then buried its body, or what was left of it after giving a portion to the prisoner to eat, in the prisoner's garden, and covered itself up in its own grave. You must go as far as that to make a complete defence of it. I don't say the jury may not believe you; we shall see. Gentlemen, what do you say—is the sheep or the prisoner guilty?' The sheep was instantly acquitted.

There was another display of forensic ingenuity by the same counsel in the next case, where he was once again the 'friend' of the prisoner.

A man was charged with stealing a number of gold and silver coins which had been buried a few hours previously under the foundation-stone of a new public edifice.

The prisoner was one of the workmen, and had seen them deposited for the historical curiosity of future ages. Antiquity, of course, would be the essence of the value of the coins, except to the thief. The royal hand had covered them with the stone, duly tapped by the silver trowel amidst the hurrahs of the loyal populace, in which the prisoner heartily joined. But in the night he stole forth, and then stole the coins.

They were found at his cottage secreted in a very private locality, as though his conscience smote him or his fear sought to prevent discovery. His legal

friend, however, driven from the mere outwork of facts, had taken refuge in the citadel of law; he was equal to the occasion. Alas! Alderson knew the way into this impregnable retreat.

Counsel suggested that it was never intended by those who placed the coins where they were found, that they should remain there till the end of time; they were intended, said he, to be taken away by somebody, but by whom was not indicated by the depositors, and as no time or person was mentioned, they must belong to the first finder. It was all a mere chance as to the time of their resurrection. Further, it was certain they were not intended to be taken by their owners who had placed them there—they never expected to see them again—but by anyone who happened to come upon them. Those who deposited them where they were found parted not only with the possession, but with all claims of ownership. Nor could anyone representing him make any claim.

All this was excellent reasoning as far as it went, and the only thing the prosecution alleged by way of answer was that they were intended to be brought to light as antiquities.

'Very well,' said the prisoner's counsel, 'then there is no felonious intent in that case; it is merely a mistake. Antiquity came too soon.'

And so did the conviction.

I was instructed, with the Hon. George Denman, son of my old friend, whom I have so often mentioned, to defend three persons at the Maidstone Assizes for a cruel murder. Mr. Justice Wightman was the Judge, and there was no better Judge of evidence than he, or of law either.

The prisoners were father, mother, and son, and the deceased was a poor servant girl who had been engaged to be married to another son of the male prisoner and his wife.

The unfortunate girl had left her service at Gravesend, and gone to this family on a visit. The prisoners, there could be no doubt, were open to the gravest suspicion, but how far each was concerned with the actual murder was uncertain, and possibly could never be proved.

The night before the trial the attorney who acted for the accused persons called on me, and asked this extraordinary question:

'Could you secure the acquittal of the father and the son if the woman will plead guilty?'

It is impossible to conceive the amount of resolution and self-sacrifice involved in this attempt to save the life of her husband and son. It was too startling a proposal to listen to. I could advise no client to plead guilty to wilful murder. It was so extraordinary a proposition, look at it from whatever point I might, that it was perfectly impossible to advise such a course. I asked him if the woman knew what she was doing, and that if she pleaded guilty certain death would follow.

'Oh yes,' said he; 'she is quite prepared.

'The murder,' I said, 'is one of the worst that can be conceived of—cruel and fiendish.'

He agreed, but persisted that she was perfectly willing to sacrifice her own life if her husband and son could be saved.

This woman, so full of feeling for her own family, had thought so little of that of others that she had

held down the poor servant girl in bed while her son strangled her.

I said, 'It is a serious question, and I must consider it before giving you a final answer.' I did so, and afterwards put the matter before the attorney in all its terrible consequences. 'If,' said I, 'she were to plead guilty, the great probability is that the jury would believe they were all guilty, and likely enough they are; and most certainly in that case they would all be hanged.' I therefore most strongly advised that the woman should stand her trial 'with the others,' which she did. In the end they all *got off!* the evidence not being sufficiently clear against any.

It was a strange mingling of evil and good in one breast; of diabolical cruelty and noble self-sacrifice.

I leave others to work out this problem of human nature.

CHAPTER XXVIII

RACING ACQUAINTANCES, AND A VISIT TO A COUNTRY HARVEST-HOME FESTIVAL AT THE VILLAGE CHURCH

AMONGST my racing acquaintances there was no man I more respected than William Byron. He was one of the first and best of English sportsmen, and one of the finest English gentlemen. To get out of the dull monotony and routine of a Court of Justice and chat with him on the topics of the sporting world was like a gallop on the Surrey downs. He was not a heavy betting man, and his favourite sport was backing the field against the favourites. I do not know how that comes out in the general average, but I think Byron made it answer. He was not a plunger, but a calculating bookmaker of that old school of bookmaking which was one of the pastimes of English gentlemen until it became the poor apology for sport in the hands of the gambling money-grubber. I knew him in the days of Surplice and the Flying Dutchman, and his name recalls many a face long since passed away, and many a delightful experience of my early days; so I mention William Byron because I respect his memory.

But the sporting world has no greater claim on my memory than the theatrical or the artistic. I recall them with a vividness that brings back all the enjoy-

ments of long and sincere friendships. A little circumstance with Charles Mathews, for instance, although so small that one would think it would pass from memory the moment it had happened, comes back now over this long period of years, as if transmitted by wireless telegraphy, and with an amusing interest while recalling my long since departed friends and the happy hours I have passed in their company.

One evening I was in Charles Mathews' dressing-room at the theatre and enjoying a chat when he was 'called'—that is to say, his time had come to take his part in the piece.

'Come along,' said he; 'come along!'

Why he should 'call' me to come along I never knew. I had no part in the piece at that moment. But he soon gave me one. I followed, with lingering steps and slow, having no knowledge of the construction of the premises; but in a moment Mathews had disappeared, and I found myself in the middle of the stage with a crowded house in front of me. The whole audience burst into an uproar of laughter. I suppose it was the incompatibility of my appearance at that juncture which made me 'take' so well; but it brought down the house, and if the curtain had fallen at that moment I should have been a great success, and Mathews would have been out of it. In the midst of my discomfiture, however, he came on to the stage by another entrance as 'cool as a cucumber.' He told me afterwards that he had turned the incident to good account by referring to me as 'Every man in his humour,' or, 'A bailiff in distressing circumstances!'

I met many men at the Garrick Club whose names are associated with the brightest hours of my life,

such as Charles Kemble, Keene, and Harley, with many others who took no little interest in a story I once told them, really by accident, of a visit I had paid to the country house of a respectable and religious old solicitor, who was 'putting me up' while instructing me in a 'compensation case' which was to be heard at Sheffield; not the one I have already mentioned. He was a great Churchman, and, not knowing my religious proclivities, was rather fidgety on the Sunday morning about the question of going to church, from which he was said never to absent himself. On this morning, as I afterwards learned, it was particularly desirable that he should attend Divine Service, because it was the harvest thanksgiving at the little village.

I could see that he was wondering how he should break it out to me that he wished to go; but as I had no particular reason for going on that morning more than on any other I did not come to his aid. Presently he said:

'I don't know, Mr. Hawkins, whether you would like to see our little church?'

'No, thank you,' I answered; 'we can have a look at it to-morrow when we have a "view of the premises." You told me they are close by, so we can kill two birds with one stone.' He looked somewhat aghast, I thought.

A 'view of the premises' means the view counsel has for the sake of describing them to the jury and cross-examining about them in court, and for which he is paid a proper fee.

'I thought, perhaps,' said the solicitor, 'you might like to attend the service.'

'No,' said I, 'not particularly; a walk under the

"broad canopy of heaven" is preferable on a beautiful morning like this to a poky little pew; and I like the singing of the birds better than the humming of a dear old country clergyman's nose.'

The solicitor looked anything but jovial. I saw unmistakable signs of this harvest festival, and had no doubt he was looking forward to a handsome contribution from me. That I took to be his object.

'Very well,' he said, 'we will, if you like, take a little walk;' which we did.

With surprising innocence he inflicted upon me a pious fraud, leading me over fields and meadows, styles and rustic bridges, until at last the cunning old fox brought me out along a by-path and over a plank bridge right into the village. Then, turning a corner near a picturesque farmhouse, he smilingly observed, 'This is our church.'

'Indeed,' said I, 'it's a very old one, and would look much more picturesque in the distance. Shall we have a view a little further off?'

He seemed somewhat annoyed at my inartistic taste and simplicity, and I saw a slight quiver of his under lip, which was a somewhat floppy one.

'St. Mary's,' said he; '1694 is the date——'

'Really!' I exclaimed; 'St. Mary's, is it? Fancy! And what is the date—1694?'

'It has some fine tablets, Mr. Hawkins, if you'd like to look in——'

'I don't care for tablets,' I answered; 'if I go to church it is not to stare at tablets, however fine they may be. I never take my eyes off my book.'

'There's a beautifully executed monument of Lady——'

'Was her ladyship also executed,' I asked. 'They were troublous times.'

'Mr. Hawkins,' he summed up courage at last to say, 'this is our little harvest festival of thanksgiving, and I should not like to be absent.'

'Why on earth, Mr. Goodman,' I answered, 'did you not say that before? Let us go in by all means. I like a good harvest as well as any Christian on earth. I suppose there will be a collection; all thanksgivers are good at that.'

When we got to his pew he looked into his hat for a long time, it having been done up for the occasion, but look who would, there never was anything in that hat to speak of. The pew was the family pew—the *whole family pew*, and nothing but the family pew, bought with the estate, with the family estate, and was in an excellent situation for the congregation to have a fine view of Mr. Goodman. Indeed, his cheery face could be seen by everybody in church.

I must say the little edifice looked very nice, and had been adorned with the most artistic taste by the young ladies of the Vicarage and the Hall. Mr. Goodman was 'the Hall.' There were bunches of neatly-arranged turnips and carrots, with potatoes, barley, oats, and mangel-wurzel, and almost every variety of fruit from the little village; and every girl had barley and wheat-ears in her straw hat. It was an affecting sight, calculated to make anyone adore the young ladies and long for dinner.

The sermon was an excellent one so far as I could pronounce an opinion, but would have been considerably improved had it been three-quarters of an hour shorter; that was its great fault. It contained, how-

ever a great many allusions to 'harvest-homes,' gathering into barns, and laying up treasures, which last observation reminded Mr. Goodman that he had *left his purse at home* and had come away without any money.

I saw him fumbling in his pocket, and knew what he was about. Now, thought I, the time has come for showing my devotion to Mr. Goodman and doing a good action. As soon, therefore, as he had whispered to ask me to assist him in his emergency, I handed him every farthing I had about me, which consisted of a solitary five-pound note. This, had I not thus disposed of it, no doubt I should have put into the collection-bag myself. As it was, he gratefully took it, and, although about five times as much as *he* intended to give, when the bag was handed to him on a long pole, in went the five-pound note, and there was an end of the transaction so far as my part of the contribution went, for, like Mr. Goodman, I was now in the predicament of having nothing in my pocket.

I knew my friend was chuckling as soon as we got into his family pew at the way in which he had lured me step by step, till we walked the last plank over the ditch, so I was not sorry to return good for evil and lend him my note.

He stared somewhat sideways at me when the bag passed, but I bore it with fortitude. I was quite impervious to Goodman's glances; while he looked really ashamed of himself to think he had brought so important a guest into the family pew, and that he should give nothing towards the celebration. I took particular notice that the crimson bag passed along the front of our family pew at a very dilatory pace, and

tarried a good deal, as if reluctant to leave it. To and fro it passed in front of my nose as if it contained something I should like to smell, and at last moved away altogether. I was glad of that because it prevented my following the words of the hymn in my book, and, unfortunately, it was one of those harvest hymns I did not know by heart.

On our way home over the meadows, where the Grasshoppers were practising for the next day's sports, and were in high glee over this harvest festival, Mr. Goodman seemed fidgety; whether conscience-stricken for the Sabbath fraud he had practised upon me or not, I could not say; but at last he asked how I liked their little service.

I said it was quite large enough.

'You'— he paused—'you did not, I think — another pause—'contribute to our little gathering?'

'No,' I said, 'but it was not my fault; I lent you all I had. The fund, however, will not suffer in the least, and you have the satisfaction of having contributed the whole of our joint pocket-money. It does not matter who the giver is so long as the fund obtains it.'

My friends of the Garrick were interested in the story, especially my old friend J. L. Toole.

CHAPTER XXIX

MR. BARON MARTIN

In order to divert my friend Goodman's grief at my not contributing anything to the bag, I told him a little story as we went along over the peaceful meadows.

'Mr. Goodman,' said I, 'did I ever tell you how the dear old Baron—I mean Baron Martin—once treated a prisoner?'

Goodman sighed, and answered 'No.'

'Well, he had tried a very old offender for some petty act of stealing, and was in considerable doubt as to what should be done with him. He did not like accumulated sentences, and thought every crime should carry its own punishment and no other. Moreover, he was sternly of opinion that a man or woman should not be punished twice for the same offence as they sometimes are, when they receive a heavier sentence for having been previously convicted. One Judge I knew some years ago sentenced a man who had been previously convicted to a lighter sentence on that account, because between that time and his second offence he must have striven hard, against adverse circumstances, to get an honest living.

'"Look," says the Baron, "I hardly know what to do with you, but you can tak' six months."

'"I can't take that, my lord," said the prisoner; "it's too much. I can't take it, your lordship sees I did not steal very much, after all."

'The Baron indulged in one of his characteristic chuckling laughs, and said:

'"Wal, that's vera true; ye didn't steal *much*. Well, then, ye can tak' *four*. Will that do—four months?"

'"Nay, my lord; but I can't take that, nuther."

'"Then tak' *three*."

'"That's nearer the mark, my lord, but I'd rather you made it *two*, if you'll be so kind."

'"Very well, then, tak' two," said the Judge, "and don't come again; if you do, I'll give you—— Well, it 'll all depend."

'As the man was going down through the trap-door, there was a bit of a row between him and the warder, and the Baron asked what was the matter.

'"The prisoner wants his 'at, my lord, and it ain't allowed."

'His hat, it appeared, was in the dock, and on its being held up to show the Baron, his lordship said:

'"Oh, nonsense! give the man his hat and let him go. Allow him his hat."'

This story illustrates the character of Baron Martin—under all circumstances cheerful and good-natured—and notwithstanding his readiness to yield to leniency, where the humorous appeal of the prisoner was indicative of a character which punishment would never soften although kindness might, he could yet be firm to the last degree where necessity required it. No one more enjoyed a humorous situation in court, or more worthily maintained its dignity.

CHAPTER XXX

CROCKFORD'S 'HOOKS AND EYES'—DOUGLAS JERROLD

In the evening I entertained Mr. Goodman, as he wished it, with some of my 'experiences,' especially my recollection of 'Crockford's.' I thought it would be some compensation for his disappointment.

Crockford's, as I explained to Mr. Goodman, has become a mere reminiscence, but worthy, in many respects, of being preserved as part of the history of London. It was historic in many of its associations as well as its incidents, and men who made history as well as those who wrote it, met at Crockford's. It was celebrated alike for high play and high company.

As I never had a real passion for gambling, it was to me a place of great enjoyment, for there were some of the celebrated men of the day amongst its invited guests—wits, poets, novelists, playwrights, painters—in fact, all who had distinguished themselves in art or literature, law, science, or learning of any kind were always welcomed. But it was not for these that the good fishmonger gave up his business at the east end of the Strand and opened a more lucrative one—'The Temple of Fortune,' as it was called—in the more fashionable west.

As there never will be another Crockford's, I feel

an interest in recalling its associations, and the crowd of persons, celebrated and otherwise, whom I met in those early days. It was as pleasant a lounge as any in London, not excepting Tattersall's, which has equal claims on my memory. At Crockford's I met Captain H——, a wonderful gamester; he died early, but not too early for his welfare, seeing that all the chances of life are against the gambler. Padwick, too, I knew; he entertained with refined and lavish hospitality. He was one of the winners in the game of life who did not die early. He told good stories and put much interest into them. He knew Palmer, the Rugeley poisoner—a sporting man of the first water, who poisoned John Parsons Cook for the sake of his winnings, and his wife and mother, it was said, for the sake of the insurance on their lives. Padwick knew everybody's deeds and misdeeds who sought to increase his wealth on the turf or at the gaming-table. He was a just and honourable man, but without any sympathy for fools.

Others I could recall by the score, men of character and of no character. Some I knew afterwards professionally, and especially one, who, although convicted of crime, escaped by collusion the sentence justly passed upon him. Another was a man of position without character, whose evil habits destroyed the talent that would have made him famous.

But I need not dwell on the manifold characters and scenes of Crockford's. There has been nothing like it either in its origin or its subsequent history. There will never be anything like it in an age of refinement and laws, which have been wisely passed for the protection of fools. Crockford's is only interesting

as a curious phase of human nature, which you could obtain from no other quarter.

The founder of this fashionable gambling-place was at one time a small fishmonger in either the Strand or Fleet Street, I forget which, and lived there till he removed to St. James's Street, where he became a fisher of men, but never in any other than an honourable way.

His 'Palace of Fortune' was of the grandest style of architectural beauty. It was one in which the worshippers of Fortune planked down the last acre of their patrimonial estates to propitiate the fickle goddess in the allurements of the gaming-table. But how *can* Fortune herself give two to one on all comers? Some *must* lose to pay the winners.

At this palatial abode the most sumptuous repasts were prepared by the most celebrated *chefs* the world could produce, and were eaten by the most fastidious and expensive gourmands Nature ever created; gamblers of the most distinguished and the most disreputable characters; gentlemen of the latest pattern and the oldest school, the worst of men and the best, sporting politicians and political sportsmen, place-hunters, Ministers, ex-Ministers, scions of old families and ancient pedigrees, as well as men of new families and no pedigrees, who purchased, as we do now, a coat of arms at the Heralds' tailoring shop, and selected their ancestors in Wardour Street.

Only the wealthy could be members of this club, for only the wealthy could lose money and pay it. Landscape-painters might be guests, but it was only the man who belonged to the landscape who could belong to the body that gambled for it. Young

barristers might visit the place, possibly with an eye to business, but only members of large practice or Judges could be members of this society.

Lord Palmerston defended it manfully before the committee appointed really for its destruction. He said it did a great deal of good—much more good than all the gambling hells of London did harm. Whether his lordship contended there was no betting or gambling carried on at Crockford's I am not prepared to say, but when evidence is given before Parliamentary Committees it is sometimes difficult to understand its exact meaning. Palmerston, however, positively said without any doubt as to his meaning that candidates were not elected in order that they might be plucked of every feather they possessed, and that anyone who maintained the contrary was slandering one of the most respectable clubs in London. Some men would rather have pulled down St. Paul's than Crockford's.

It was the very perfection of a club, said the statesman, and its principal game was chicken hazard. What could be stronger evidence than that of its usefulness and respectability? At this game they usually lost all they had, of little consequence to those who could not do better with their property, and perhaps the best thing for the country, because when it got into better hands it stood some chance of being applied to more legitimate purposes.

After a while Crockford quarrelled with his partner, and they separated.

Whatever men may say in these days against an institution which flourished in those, ex-Prime Ministers, Dukes, Earls, and ex-Lord Chancellors, as

well as future Ministers of State and future Judges, belonged to it, or sought eagerly for admission to its membership. To be under the shadow of the fishmonger was greatness itself.

At the mention of the name of Crockford's a procession of the greatest men of the day passes before my eyes; their name would be legion as to numbers, but an army of devoted patriots I should call them in every other sense, for they were English to the backbone, whether gamblers or saints.

Of course there were some amongst them, as in every large body of men, who were not so desirable to know as you could wish; but they were easy to avoid and at all times an interesting study.

There were wise men and self-deluded fools, manly, well-bred men, and effeminate, conceited coxcombs, who wore stays and did up their back hair, used paint, and daubed their cheeks with violet powder. These men, while they had it, planked down their money with the longest possible odds against them. There was one who was the very opposite to these in the person of old Squire Osbaldistone. True, he had squandered more money than anyone had ever seen outside the Bank of England, they said, but he had done it like a gentleman and not like a fool. A real grand man was the old squire, and I enjoyed many a walk with him over Newmarket Heath listening to his amusing anecdotes, his delightful humour and wit. His manner was so buoyant that no one could have believed he had spent some hundreds of thousands of pounds, but he had without compunction.

The novelist and the painter could artistically describe Squire Osbaldistone. I can only say he was

a 'fine old English gentleman, one of the olden time. It was in a billiard-room at Leamington where I first met him, and as he was as indifferent a player as you could meet, he thought himself one of the best that ever handled a cue.

Such was Crockford's, the most celebrated place of the kind in its day. Indeed, it belonged to no kind; it was a *genus* of itself.

I neither played chicken hazard nor any other game, but enjoyed myself in seeing others play, and in picking up crumbs of knowledge which I made good use of in my profession.

The institution was not established for the benefit of science or literature, except that kind of literature which goes by the name of bookmaking. Its founder was a veritable dunce, but he was the cleverest of bookmakers, and made more by it in one night than all the authors of that day in their lives. One hundred thousand pounds in one night was not bad evidence of his calculation of chances and his general knowledge of mankind.

To be a member of this club, wealth was not the only qualification, because in time you would lose it; you had to be well born or distinguished in some other way. The fishmonger knew a good salmon by its appearance; he had also a keen respect for the man who had ancestors and ancestral estates.

I ought not to omit to mention another celebrated bookie of that day, he was second only to Crockford himself, and was called 'The Librarian.' He was also known as 'Billy Sims.'

Billy lived in St. James's Street in a house which has long since been demolished, and thither people

resorted to enjoy the idle, witty, and often scandalous gossip of the time. It was as easy to lose your reputation there as your money at Crockford's, and far more difficult to keep it. The only really innocent conversation was when a man talked about himself.

From that popular gossiping establishment I heard a little story told by the son of Sydney Smith. His father had been sent for to see an old lady who was one of his most troublesome parishioners. She was dying. Sad to say, she had always been querulous and quarrelsome. It may have been constitutional, but whatever the cause, her husband had had an uncomfortable time with her. When Sydney Smith reached the house the old lady was dead, and the bereaved widower, a religious man in his way, and acquainted with Scripture, said :

'Ah, sir, you are too late; my poor dear wife has gone to *Abraham's bosom.*'

'Poor Abraham!' exclaimed Sydney, 'she'll tear his inside out.'

As all these things pass through my memory I recall another little incident with much satisfaction, because I was retained in the case. It was a scandalous fraud in connection with the gaming-table. An action was brought by a cheat against a gentleman who was said to have lost £20,000 on the cast of the dice. I was the counsel opposed to plaintiff, who was said to have cheated by means of *loaded dice.* I won the case, and it was generally believed that the action was the cause of the appointment of the 'Gaming Committee,' at which tribunal all the rascality of the gaming-tables was called to give evidence, and the witnesses did so in such a manner as to shock the conscience of the

civilized world, which is never conscious of anything until exposure takes place in a court of law or in some other legal inquiry.

Diabolical revelations were brought to light. However, as I have said, Lord Palmerston effectually cleared Crockford's, and it almost seemed, from the evidence of those who knew Crockford's best, that they never played anything there but old-fashioned whist for threepenny points, patience, and beggar-my-neighbour.

Here Mr. Goodman asked if there was any evidence in the case I defended against the supposed cheat, of the dice being really loaded, because it seemed to him a very serious charge to make.

I agreed that it was, and that if it stood only on the accidental rolling of the cubes, the defence ought not to have been set up. But unfortunately for the plaintiff, I called the man who made the loaded dice, and he swore positively that he made them at the instigation of the plaintiff.

His Royal Highness the then Prince of Wales came into court during the trial, and seemed interested in the proceedings. I wonder if His Majesty now remembers it!

In those days Baron Martin and I met once a year, he on the Bench and I in court, with a hansom-cab waiting outside ready to start for the Derby. It is necessary for Judges to sit on Derby Day to show that they do not go, but if by some accident the work of the court is finished in time to get down to Epsom, those who love an afternoon in the country sometimes go in the direction of the Downs. There is usually a run on the list on that day, some asking for adjourn-

ments, some agreeing to postponements, and others from illness of a witness or other like serious cause not being ready, so that the Judge is *obliged* to adjourn till the following morning, however much he may protest about public inconvenience and otherwise exhibit his undoubted patriotism and love of work.

Of course Mr. Goodman paid me the five pounds I lent him, and I hope he never borrowed money for a worse purpose. He pleased me by saying he was much interested in these old-time customs, and could I, before we retired, tell him another story?

I was proud to oblige an attorney of such prompt payment, and then told him that there was another club to which I belonged in those old days, called 'The Hooks and Eyes Club.'

'There I met for the last time poor Douglas Jerrold. He was one of the Eyes, and always on the look-out for a good thing, or the opportunity of saying one. He was certainly, in my opinion, the wittiest man of his day. But at times his wit was more hurtful than amusing. Wit should not, in my opinion, leave a sting. Unfortunately this exquisite gift sometimes degenerates into sarcasm, and its pleasantry is gone.

'He was sometimes hard on those who were the objects of his personal dislike. Of these Sir Charles Taylor was one. He was not a welcome member of the Hooks and Eyes, and Jerrold knew it. There was really no reason why Sir Charles should not have been liked, except perhaps that he was dull and prosaic: rather simple, I should say, than dull, for he was always ready to laugh with the rest of us, whether he understood the joke or not. And what could the most brilliant do beyond that?

'Sir Charles, however, had one redeeming virtue—he was fond of music, and especially of the homely air, "The Last Rose of Summer."

'"That," said he one evening, "is *divine*. Oh, I am always carried away by that tune."

'Jerrold instantly said: "Can any gentleman oblige us by humming it?"

'This was the original of the story, which you may have heard.'

Mr. Goodman had not heard it, which did not surprise me. 'Jerrold,' I added before we said good-night, 'was a most pleasant humorist, and if he sometimes caused irritation I am sure it was not intended. The habit grew upon him of making a pun or a joke where he could. A smart saying to him was worth living for, and sometimes betrayed him into an appearance of malevolence which he never felt. To those whom he cared for he was amiability itself. Everybody loved Sir Charles Knight, the friend of all, and one of the most genial and agreeable members of the Hooks and Eyes. He was particularly of the former, said Jerrold, for he hooked everybody on to him by hook and by crook.

'One evening we were particularly merry, and in consequence, I suppose, the conversation turned on the subject of epitaphs. What should be written on this man and that man? Jerrold had given a good many epitaphs—the last kindness, said he, a man can perform for his friends—when someone asked: "What would you say for Sir Charles, Jerrold?"

'"Easy enough," said he, "*Good Knight.*"

'And now, my dear Mr. Goodman, that is the epitaph for us, before we can say as we pillow our

heads, *here lie two lawyers* who never lie on their legs and who never stand on trifles when lying.'

Goodman was a very simple, ingenuous man, and, notwithstanding the harvest festival, he laughed heartily as we shook hands and wished each other good-night. It had been an interesting day in the country: I dreamed of the turnips and wurzels, and I have no doubt he dreamed of my five-pound note, and my regret at not having shared his benevolence.

CHAPTER XXXI

A CONVERSATION ABOUT PALMER THE POISONER, BETWEEN TWO BETTING MEN

I WAS travelling one day on circuit from London to Norwich. It was shortly after the Rugeley poisoning case; and a word or two on that matter may be necessary in order to explain the conversation which I could not help overhearing between two fellow-travellers, who were evidently bookmakers returning from the races.

William Palmer was a surgeon practising at Rugeley in Staffordshire. He was a great racing man, and owned one or two racers. A young gentleman of considerable fortune had taken to the turf, and owned horses. Palmer and he became intimate as companions—in short, they were at Shrewsbury races, where Palmer lost and Cook won. The latter had considerable sums of money to receive on bets, and Palmer, desirous of getting hold of it, poisoned the poor man with strychnine, took possession of his betting-book and papers, received all moneys due, and then had him hastily buried. Ultimately suspicion fell on Palmer; he was tried for the murder, and hanged. There was little doubt he had murdered several others for the sake of the money for which he had insured their lives,

notably his wife and mother, whose name he had forged to several bills.

One of the men in the railway-carriage I knew by sight. His name was Kirby—a rough, good-natured, honest sort of man, I believe, as anyone in a small way of book-making of that day. His companion was a stranger. Everybody at that time talked of Palmer the Rugeley poisoner, for he had just been hanged.

'Bill,' said Kirby, 'I knowed that there Palmer; did *you?*'

'No,' said Bill, 'don't know as ever I did.'

'Well, I had dealings with him, and a nice sort of fellow he was, only nobody never could get any money from him.' After a pause he continued: 'Well, he owed me a matter o' five-and-twenty pound, and I wrote, I suppose, a dozen letters to him, perhaps more; but it was no good, and so at last I sent him a stinger. I knowed what to say to him, for I had 'eeard a bit from the ostler at the public where I stopped. He told me as Palmer persuaded him to let him insure his life, which the fool did, and next time he see Palmer the doctor gave him a drink that nearly made old Sam kick the bucket there and then.

'After I sent the letter, Palmer asked me to come over one day and he'd settle with me. So over I goes, and when I gets to his house was asked into a little room, and left there by myself for a goodish while. On the table was a decanter of sherry wine and a glass. I was putty thirsty, of course, but I didn't touch the wine. Howsomever, there it was to help myself if I'd a mind to. Presently in comes the doctor with a pleasant smile, a friendly shake of the hand, and a "Very glad to see you, Kirby! How are

you getting on, Kirby? A glass o' sherry, Kirby? it will do you good after your walk."

'"I shall be glad to have one, Mr. Palmer, if you'll join me," I ses, "for a thought come to me about Sam the ostler."

'"No," he says, "thankee, Kirby, I never drink sherry."

'"No more don't I, Mr. Palmer," I ses; and then I asked him if it was agreeable to him to pay what he owed.

'"No," says he, "Kirby, it is not quite agreeable at present—but—are you sure you won't take a glass of sherry, Kirby?"

'"Quite, sir," I ses, "thankee all the same; I ain't no sherry drinker, Mr. Palmer."

'"What *will* you take?" ses he; "you must have something."

'"No sir, thankee, my little account's all I wants."

'"Well, if you won't take anything," ses he, "you may as well have a look round my little farm. I've got some nice little pigs to show you."

'Well, when we got to the sty, there was as nice a farrer as you could see.

'"I'll tell you what it is, Kirby," ses he: "you've been very good lettin' that little account of ours stand over, and I'll make you a present of one of these sucking-pigs, and my cook shall send him over all ready for roasting."

'"No, thankee, sir," I ses again; "I ain't come for no pigs." *I worn't goin' to have his damned sherry and poisoned pig.*'

Such was Kirby's story, and I have no doubt he was doomed to death by Palmer. Some time after, when I

was a Judge and at the Stafford Assizes, I was talking with Major Talford, the governor of the gaol where Palmer was hanged, and he told me that Palmer talked freely about his case while waiting execution; that he said all through the trial he expected an acquittal, and even after the Judge's terrible summing up, hope did not desert him. 'But,' he added, 'when the jury returned into court, and I saw the cocked-up nose of the perky little foreman, I knew it was a gooser with me.'

On the morning of the execution the path from the condemned cell to the gallows was wet and muddy, it having rained during the night, and Palmer minced along like a delicate schoolgirl, picking his way and avoiding the puddles. He was particularly anxious not to get his feet wet.

The prejudice against Palmer in Staffordshire was such that an Act of Parliament was passed to remove the trial from that county to the Central Criminal Court, an invasion of local venue never before known. I may also add that at that time there was no known test for the discovery of strychnine in the body, and Palmer was convicted entirely upon the symptoms preceding death, and especially the peculiar arching of the body after. It is now discoverable in every organ of the system.

During the trial, while the Lord Chief Justice Campbell was examining an expert doctor so as to test his evidence, which was in favour of Palmer, the prisoner wrote on a slip of paper which he handed down to his junior counsel, Johnny Gray, these words:

'I should like to give just such a dose to that old devil!' meaning Campbell.

In the days when burglary was punished with death, there was very seldom any remission. I was in court one day at Guildford, when a respectably-dressed man in a velveteen suit of a yellowy green colour and pearl buttons came up to me. He looked like one of Lord Onslow's gamekeepers. I knew nothing of him, but seemed to recognise his features as those of one I had seen before. When he came in front of my seat he grinned with immense satisfaction, and said:

'Can I get you anything, Mr. Orkins?'

I could not understand the man's meaning.

'No, thank you,' I said. 'What do you mean?'

'Don't you recollect, sir, you defended me at Kingston for a burglary charge and got me off, Mr. Orkins, in flyin' colours?'

I recollected.

'Very well,' I said; 'I hope you will never want defending again.'

'No, sir; never.'

'That's right.'

'Would a *teapot* be of any use to you, Mr. Orkins?'

'A teapot!'

'Yes, sir, or a few silver spoons—anything you like to name, Mr. Orkins.'

I begged him to leave the court.

'Mr. Orkins, I will; but I am grateful for your gettin' me off that job, and if a piece o' plate will be any good, I'll guarantee it's good old family stuff as 'll fetch you a lot o' money some day.'

I again refused, and then, disappointed at my not accepting things of greater value, he said:

'Sir, will a sack o' taters be of any service to you?'

But this sort of gratitude was not uncommon in

those days. I told the story to Mr. Justice Wightman, and he said :

'Oh, that's nothing to what happened to the Common Serjeant of London. He had sent to him once a Christmas hamper containing a hare, a brace and a half of pheasants, three ducks and a couple of fowls, which *he accepted.*'

I sometimes won a jury over by a little good-natured banter, and sometimes annoyed Chief Justice Campbell when I woke him up with laughter. And yet he liked me, I believe, for although often annoyed, he was never really angry with me. He used to crouch his head down over his two forearms and go to sleep, or pretend to, by way of showing it did not matter what I said to the jury. I dare say it was disrespectful, but I could not help on these occasions quietly pointing across my shoulder at him, and that was enough. The jury roared, and Campbell looked up suddenly :

'What's the joke, Mr. Hawkins?'

'Nothing, my lord ; I was only saying I was quite sure your lordship would tell the jury exactly what I was saying.'

'Go on, Mr. Hawkins——'

Then he turned to his clerk and said :

'I shall catch him one of these days. Confine yourself to the issue, Mr. Hawkins.'

'If your lordship pleases,' said I, and went on.

The eccentricities of Judges would form a laughable chapter. Some of them were overwhelmed with the importance of their position ; none were ever modest enough to perceive their own small individuality amidst their judicial environments ; and this thought reminds me of an occurrence at Liverpool Assizes, when Huddle-

stone and Manisty, the two Judges on circuit, dined as usual with the Lord Mayor. The Queen's health was proposed, of course, and Manisty, with his innate good breeding, stood up to drink it, whereupon his august brother Judge pulled him violently by his sleeve, saying, 'Sit down, Manisty, you damned fool! *we* are the Queen!'

I was addressing a jury for the plaintiff in a breach of promise case, and as the defendant had not appeared in the witness-box, I inadvertently called attention to an elderly well-dressed gentleman in blue frock-coat and brass buttons—a man, apparently, of good position. The jury looked at him and then at one another as I said how shameful it was for a gentleman to brazen it out in the way the defendant did—ashamed to go into the witness-box, but not ashamed to sit in court.

Here the gentleman rose in a great rage amidst the laughter of the audience, in which even the ushers and javelin-men joined, to say nothing of the Judge himself, and shouted with angry vociferation:

'Mr. Hawkins, I am *not* the defendant in this case, sir——'

'I am very sorry for you,' I replied; 'but no one said you were.'

There was another outburst, and the poor gentleman gesticulated, if possible, more vehemently than before.

'I am not the def——'

'Nobody would have supposed you were, sir, if you had not taken so much trouble to deny it. The jury, however, will now judge of it.'

'I'm a married man, sir.'

'So much the worse,' said I.

CHAPTER XXXII

COMPENSATION—NICE CALCULATIONS IN OLD DAYS—EXPERTS—LLOYD AND I

As my business continued to increase, it took me more and more from the ordinary *nisi prius*, and kept me perpetually employed in special matters. I had a great many compensation cases, where houses, lands, and businesses had been taken for public or company purposes. They were interesting and by no means difficult, the great difficulty being to get the true value when you had, as I have known, a hundred thousand pounds asked on one side and ten thousand offered on the other.

Railway companies were especially plundered in the exorbitant valuation of owners of lands, and therefore an advocate who could check the valuers by cross-examination was sought after. Juries were always liable to be imposed upon, and generally gave liberal compensation, altogether apart from the market value. Experts, such as land agents and surveyors, were always in request, and indeed these experts in value caused the most extravagant amounts to be awarded. Even the mean sum between highest and lowest was a monstrously unfair guide, for one old expert used to instruct his pupils that the only true

principle in estimating value was to ask at least twice as much as the business or other property was worth, because, he said, the other side will be sure to try and cut you down one-half, and then probably offer to split the difference. If you accept that you will of course get one-quarter more than you could by stating what you really wanted. No one could deal with the real value, because there was no such thing known in the Compensation Court.

On one occasion I was travelling North in connection with one of these cases, retained, as usual, on behalf of a railway company. In my judgment the claim would have been handsomely met by an award of £10,000, and that sum we were prepared to give.

On my way I observed in my carriage a gentleman who was very busy in making calculations on slips of paper, and every now and again mentioning the figures at which he had arrived—repeating them to himself. When we got to a station he threw away his paper, after tearing it up, and when we started commenced again, but at every stoppage on our journey he increased his amount. When we had travelled 250 miles, the property he was valuing had attained the handsome figure of £100,000.

He evidently had not observed me. I was very quiet, and well wrapped up. The next day, however, when he stepped into the witness-box he looked hard without knowing I had been his fellow-traveller of the previous night. He was not very sharp, except in the matter of figures; but his opinion, like that of all experts, was invincible. His name was Bunce.

'When did you view this property, Mr. Bunce? I understand you come from London.'

'I saw it this morning, sir.'

'Did you make any calculation as to its value *before* you saw it?'

This puzzled him, and he stared at me. It was a hard stare, but I held out.

He said, 'No.'

'Not when you were travelling? Did it not pass through your mind when you were in the train, for instance, "I wonder, now, what that property is worth"?'

'I dare say it did, sir.'

'But don't *dare say* anything unless it's true.'

'I did, then, run it over in my mind.'

'And I dare say you made notes and can produce them. Did you make notes?' After a while I said: 'I see you did. You may as well let me have them.'

'I tore them up.'

'Why? What became of the pieces?'

'I threw them away.'

'Do you remember what price you had arrived at when you reached Peterborough, for instance?'

The expert thought I was someone whom we never mention except when in a bad temper, and he was more and more puzzled when he found that at every stoppage I knew how much his price had increased.

As the case was tried by an arbitrator and not a jury my task was easy, arbitrators not being so likely to be befooled as the other form of tribunal. This arbitrator especially knew the elasticity of an expert's opinion, and therefore I was not alarmed for my client. The amount was soon arrived at by reducing the amount claimed by no less than £90,000. Thus vanished the visionary claim and the expert.

He evidently had not been trained by the cunning old surveyor whose experience taught him to be moderate, and claim only twice as much as you ought to get.

In another claim, which was no less than £10,000, the jury gave £300. This was a state of things that had to be stopped, and it could only be accomplished at that time by counsel who appeared on behalf of the companies.

Sir Henry Hunt was one of the best of arbitrators, and it was difficult to deceive him. It took a clever expert to convince him that a piece of land whose actual value would be £100 was worth £20,000.

Sir Henry once, I have been told, paid me a compliment—of course when I was not present.

'Hawkins,' said he, 'is the very best advocate of the day, and, strange to say, his initials are the same as mine. You may turn them upside down and they will still stand on their legs' (H. H.).

Sir Henry was sometimes a witness, and as such always dangerous to the side against whom he was called, because he was a Judge of value and a man of honour.

One instance in which I took a somewhat novel course in demolishing a fictitious claim is, perhaps, worth while to relate, although so many years have passed since it occurred.

It was so far back as the time of the old Hungerford Market, which the railway company was taking for their present Charing Cross terminus. The question was as to the value of a business for the sale of medical appliances.

Mr. Lloyd, as usual, was for the business, while I

appeared for the company. My excellent friend proceeded on the good old lines of compensation advocacy with the same comfortable routine that one plays the old family rubber of threepenny points. I occasionally finessed, however, and put my opponent off his play. He held good hands, but if I had an occasionally bad one, I sometimes managed to save the odd trick.

Lloyd had expatiated on the value of the situation, the highroad between Waterloo Station and the Strand, immense traffic and grand frontage. To prove all this he called a multitude of witnesses, who kissed the same book and swore the same thing almost in the same words. But to his great surprise I did not cross-examine. Lloyd was bewildered, and said I had admitted the value by not cross-examining, and he should not call any more witnesses.

I then addressed the jury, and said: 'A multitude of witnesses may prove anything they like, but my friend has started with an entirely erroneous view of the situation. The compensation for disturbance of a business must depend a great deal on the nature of the business. If you can carry it on elsewhere with the same facility and profit, the compensation you are entitled to is very little. I will illustrate my meaning. Let us suppose that in this thoroughfare there is a good public-house—for such a business it would indeed be an excellent situation; you may easily imagine a couple of burly farmers coming up from Farnham or Windlesham to the Cattle Show, and, walking over the bridge, hot and thirsty. "Hallo!" says one; "I say, Jim, here's a nice public; what d'ye say to goin' in and havin' a glass o' bitter? It's a goodish pull over this 'ere bridge."

'"With all my heart," says Jim; and in they go.

'There you see the advantage of being on the high-road. But now, let us see these two stalwart farmers coming along, and—instead of the handsome public and the bitter ale there is this shop, where they sell medical arrangements—can you imagine one of them saying to the other, "I say, Jim, here's a very nice medical shop; what d'ye say to going in and having a truss?"'

This argument considerably reduced the compensation, but what it lacked in money the claimant got in laughter.

A *living* doctor who sold his practice in those days —I don't know how it may be in these—was said to sell 'a *live* practice,' and it was valued accordingly; but if the executors of a deceased doctor sold the business, it was called 'selling a *dead* practice.'

In the former case the old doctor introduced his patients to the new one, which was a considerable advantage, inasmuch as it was a kind of commendation of his merits; whereas the executors selling a dead man's practice, it was always said the new doctor would introduce them to the 'Old Un'; a play upon words, but it carried meaning and affected the value. Of course the executors cared nothing about the merits of the new one or the 'Old Un' so long as they could benefit the estate.

Sometimes I led a witness who was an expert valuer for a claimant to such a gross exaggeration of the value of a business as to stamp the claim with fraud, and so destroy his evidence altogether.

Sir Henry Hunt used to nod with apparent approval at every piece of evidence which showed any kind of

exaggeration, but every nod was worth, as a rule, a handsome reduction to the other side.

I shall never forget an attorney's face who, having been offered £10,000 for a property, stood out for £13,000.

It was a claim by a poulterers' company for eight houses that were taken by a railway company. I relied entirely on my speech, as I often did, because the threadbare cross-examinations were almost, by this time, things of course, as were the figures themselves mere results of true calculations on false bases.

This attorney, who had, perhaps, never had a compensation case before, was quite a great man, and took the arbitrator's assenting nods as so much cash down.

So encouraged, indeed, was he that he became almost impudent to me, and gave me no little annoyance by his impertinent asides. At last I looked at him good-humouredly, and politely requested him, as though he were the court itself, to suspend his judgment while I had the honour of addressing the arbitrator for twenty minutes, 'at the end of which time I promise to make you, sir,' said I, 'the most miserable man in existence.'

I was supported in this appeal by the arbitrator, who hoped he would not interrupt Mr. Hawkins.

As I proceeded the attorney fidgeted, puffed out his cheeks, blew out his breath, twirled his thumbs as I twirled his figures, and grated his teeth as he looked at me sideways, while I concluded a little peroration I had got up for him, which was merely to this effect: that if railway companies yield to such extortionate demands as were made by this attorney on behalf of

the poulterers' company they would not leave their shareholders a feather to fly with.

The attorney looked very much like moulting himself, and the end of it was that he got *two thousand pounds* less than we had offered him in the morning, and consequently had to pay all the costs.

As I have stated, John Horatio Lloyd was my principal opponent in these great public works cases, and I remember him with every feeling of respect. He was an advocate whom no opponent could treat lightly, and was uniformly kind and agreeable.

Of course I had a large experience in those times—I suppose, without vanity, I may say the very largest. I was retained to assess compensation for the large blocks of buildings acquired for the space now occupied by the Law Courts. In the very early cases the law officers of the Crown were concerned, but after that the whole of the business was entrusted to my care, although for reasons best known to themselves the Commissioners declined to send me a general retainer, which would have been one small sum for the whole, but gave instead a special retainer on every case. If my memory serves me truly, on one occasion I had ninety-four of these special retainers delivered on one morning. This was in consequence of their refusing to retain me generally for the whole, which would have been a nominal fee of five guineas.

The site of the Law Courts cost little less than a million, and a great deal of it lay unutilized for years.

The Thames Embankment, the Holborn Viaduct, and many other London improvements were also dealt with by me.

CHAPTER XXXIII

ELECTION PETITIONS

ANOTHER class of work which gave me much pleasure and interest was that of election petitions. These came in such abundance that I had to put on, as I thought, a prohibitory fee, which in reality increased the volume of my labour. Baron Martin laughed heartily when I told him what I had done.

'Prohibitory, my dear Hawkins! Nothing of the sort; they must have you.'

And they did. But I can only mention one or two of those which gave me most pleasure.

Amongst the earliest was that of W. H. Smith, who had been returned for Westminster. The petitioner endeavoured to unseat him on the ground of bribery, alleged to have been committed in paying large sums of money for exhibiting placards on behalf of the candidate. It was tried before Baron Martin.

About the payments there was no element of extravagance, but there were undoubtedly many cases of payment, and these were alleged to be illegal.

Ballantine was my junior. One of the curious matters in the case was that these payments had been principally made by, or under, the advice of my dear trusty old friend, whom I cannot mention too often,

the Hon. Robert Grimstone, the man whose acquaintance I made at the benefit of 'The Spider'—a worthy pugilist of many years before.

Ballantine, as I thought, most injudiciously and without any real ground, strongly advised me not to call 'that old fool'; but believing in Grimstone as I did, and having charge of the case, I resolved to call him. Baron Martin knew Bob Grimstone as well as I did, and believed in him as much.

'Who is this?' asked the Baron.

'Another bill-sticker, my lord,' I answered.

Grimstone gave his evidence, and was severely cross-examined by my friend, J. Fitzjames Stephen. He fully and satisfactorily explained every one of the questioned items, evidently to the satisfaction of Martin, who dismissed the petition, and thus Mr. Smith retained his seat.

The learned Judge said, in giving judgment, that without Grimstone's evidence the seat would have been in great danger, but that he had put an innocent colour on the whole case, and that, knowing him to be an honourable man and incapable of saying anything but the truth, he had implicitly trusted to every word he spoke.

Mr. Smith, whom I met some days after, said he was perfectly assured that if I had not had the conduct of the case, and Grimstone had not been called, his seat would have been lost.

I have said often that Grimstone was one of the most honest, trusty, and truthful men I ever came across, and always spoke *plainly*.

I also defended the seat of the member for Southampton, who was returned with Mr. Russell Gurney.

Ballantine was on the other side, and on the second morning he abandoned the petition, although I was alarmed for it, for if certain evidence had been discovered in time my client would certainly have been unseated.

Another petition was for giving a treat after the election, and as a consequence of a successful return. This was Albert Grant, or 'Baron Grant.' He was unseated, but I have always considered he had hard measure from Mellor, J., who, however, thought differently, and his opinion was supreme.

In the petition against Sir George Elliot for Durham, for whom I appeared, there was nothing of any importance in the case, except that Sir George gave a very interesting history of his life.

He had been a poor boy who had worked in the cutting of the pit, lying on his back and picking out from the roof overhead the coal which was shovelled into the trucks. From this humble position literally and socially he had proceeded, first to his feet, and then step by step, until, from one grade to another, he had amassed a very large fortune, and sufficient income to enable him to incur, not only the expenses of an election and a seat in Parliament, but also those of a bitterly hostile election petition, enormously extravagant in every way. I succeeded in winning his case, and never was more proud of a victory. It had lasted many days.

There is one matter almost of an historical character which I mention in order to do all the justice in my power to a man who, although deserving of reprobation, is also entitled to admiration for the chivalry of his true nature. I speak of it with some hesitation, and

therefore without the name. Those who are interested in his memory will know to whom I allude, and will be grateful for this tribute to his character, however much it may have been sullied by his temporary absence of manly discretion.

He was charged with assaulting a young lady in a railway train between Aldershot and Waterloo. There was much of the melodramatic in the incidents, and much of the righteous indignation of the public before trial. There was judgment and condemnation in every virtuous mind. The assault alleged was doubtless of a most serious character, if proved. I say nothing of what might have been proved or not proved; but, speaking as an advocate, I will not hesitate to affirm that cross-examination may sometimes save one person's character without in the least affecting that of another.

But this was not to be. Whatever line of defence my experience might suggest, I was debarred by his express command from putting a single question.

I say to his honour that as a gentleman and a British officer, he preferred to take to himself the ruin of his own character, the forfeiture of his commission in the army, the loss of social status, and *all* that could make life worth having, to casting even a doubt on the lady's veracity in the witness-box.

My instructions crippled me, but I obeyed my client, of course, implicitly in the letter and the spirit, even though to some extent he may have entailed upon himself more ignominy and greater severity of punishment than I felt he deserved.

I saw him once afterwards walking in front of the Athenæum Club, and very shortly afterwards he died in Egypt, never having been reinstated in the British

army. I knew but little of him until this catastrophe occurred; but the manliness of his defence showed him to be naturally a man of honour, who, having been guilty of serious misconduct, did all he could to amend the wrong he had done; and so he had my sympathy in his sad misfortune and misery.

I have been asked to revive some of the old circuit histories. Alas! some are gone beyond recall, like the majority of the good fellows I knew in those old and happy days. Many, for whose memory I shall retain unbounded esteem till my last hour, have been mentioned in other pages of this book, but the juniors may most of them be represented by the able, jovial, witty, and genial Archer Ryland, who had been called to the Bar in Gray's Inn so far back as the year 1818. By diligence and hard work he got practice at the Essex Sessions and other places on circuit in criminal cases. He was kind to juniors, but naturally jealous of their success, for every success to a junior was a comparative loss to him, who had hard work to live. Yet though he was really 'hard up' he was cheerful at mess. One old fellow, called about 1815, used to sing an old song about sitting on his mother's lap and other joys of childhood, especially his endeavouring to walk, the refrain being 'My mother dear, my gentle mother dear,' until Ryland would say, 'There he goes again, meandering about his mother!' But the song went on, notwithstanding, to the bitter end, and then he endeavoured to walk again.

Well, they were simply happy times those circuit messes, full of fun, foolishness, and frolic. The junior member was King, and imposed fines at his will. Had his jurisdiction been impeached, the impeacher would

have found that it needed no defending; the fine would be instantly increased.

A member was fined for promotion: for even having a red bag given to him, which was always by a leader of the circuit, and was the first step in his profession. Whatever good fortune came to a man was the subject of a fine; and the more laudable the offence the more heavy the punishment. Marriage was punished with the greatest severity, and the sentence was accompanied with the solemn warning not to do it again.

I doubt if I could throw any real interest into the doings of the old circuit mess which I joined over sixty years ago. Officers were appointed, such as Attorney-General, to see to proper elections of persons fit to be elected, and also that strict discipline was observed as to the etiquette and rules of the circuit. These and other matters of business were conducted at the circuit court. After all this came the pantomime, when men were falsely accused of imaginary offences, and really fined for not being guilty. All this was for fun, and also to keep up the wine fund of the mess, and men submitted cheerfully, because they enjoyed the frivolity and the wine.

I could go on writing fresh stories for ever, but they must stop somewhere. I have reserved my candidature for Barnstaple until the last chapter but one in this volume, first, because it is a unique subject, and, secondly, I considered that, with the account of the Tichborne case, it would form, as a story not told in chronological order, an interesting finish to my first volume.

CHAPTER XXXIV

MY CANDIDATURE FOR BARNSTAPLE

ALTHOUGH the House of Commons dislikes lawyers, constituencies love them. The enterprising patriots of the long robe are everywhere sought after, provided they possess, with all their other qualifications, the one thing needful, and possessing which, all others may be dispensed with.

Barnstaple was no exception to the rule. It had a character for conspicuous discernment, and, like the unseen eagle in the sky, could pick out at any distance the object of its desire.

Eminent, respectable, and rich must be the qualification of any candidate who sought its suffrages—the last, at all events, being indispensable.

Up to this time I had not felt those patriotic yearnings which are manifested so early in the legal heart. I was never a political adventurer; I had no eye on Parliament merely as a stepping-stone to a judgeship; and probably, but for the events I am about to describe, I should never have been heard of as a politician at all. There were so many candidates in the profession to whom time was no object that I left this political hunting-ground entirely to them.

In 1865 I was waited upon at Westminster by a

very influential deputation from the Barnstaple electors—honest-looking electors as any candidate could wish to see—bringing with them a requisition signed by almost innumerable independent electors, and stating that there were a great many more of the same respectable class who would have signed had time permitted. Further signatures were, however, to be forwarded. It was urged by the deputation that I should make my appearance at Barnstaple at the earliest possible date, as no time was to be lost, and they were most anxious to hear my views, especially upon topics that they knew more about than I, which is generally the case, I am told, in most constituencies. I asked when they thought I ought to put in an appearance.

'Within a week at latest,' said the leading spirit of the deputation. 'Within a week at latest,' repeated all the deputation in chorus. 'Because,' said the leading personage, 'there is already a gentleman of the name of Cave' (it should have been pronounced as two syllables, so as to afford me some sort of warning of the danger I was confronting) 'busily canvassing in all directions for the Liberal party, and Mr. Howell Gwynne and Sir George Stukely will be the Conservative candidates. However, it would be a certain seat if only I would do them the honour of coming forward. There would be little trouble, and it would almost be a walk-over.'

A walk-over was very nice, and the tantalizing hopes this deputation inspired me with overcame my great reluctance to enter the field of politics; and in that ill-advised moment I promised to allow myself to be nominated.

Great were the promises as to the enthusiasm which would be called forth on my arrival, and the grandeur of the reception I should meet with at the station.

It was arranged that I should make my appearance by a specified afternoon train on a particular day in the week (apparently to be set apart as a public holiday), so that I had little time for preparation. By the next day's post I received a kind of official communication from 'our committee,' stating that a very substantial deputation from the general body would have the honour to meet me at the station, and accompany me to the committee-rooms for the purpose of introduction.

Down, therefore, I went by the Great-Western line, and in due time arrived at my destination, as I thought.

I found, instead of the 'influential body of gentlemen' who were to have the honour of conducting me to the headquarters of the Liberal party, there was only a small portion of it, almost too insignificant to admit of counting. But he was an important personage in uniform, and dressed somewhat like a commissionaire.

After much salutation and deferential hemming and stammering, he said I had better proceed to a *little station only a few miles farther on and dine*, 'and if so be I'd do that, they would meet me in the evening.'

Not being a professional politician, nor greatly ambitious of its honours, I was somewhat disconcerted at such extraordinary conduct on the part of my committee, and would have returned to town, but that the train was going the wrong way, and by the time I reached the little station I had argued the matter

out as I thought. It *might* be a measure of precaution, in a constituency so respectable as Barnstaple, to prevent the least suspicion of *treating* or corrupt influence. Had I dined at Barnstaple it might have been suggested that someone dined with me or drank my health.

Whatever it was, the revelation was not yet.

I was to return 'as soon as I had dined.' Everything was to be ready for my reception.

All these instructions I obeyed with the greatest loyalty, and returned at an early hour in the evening. But if I was disappointed at my first reception, how I was elated by the second! All was made up for by good feeling and enthusiasm. We were evidently all brothers fighting for the sacred cause, but what the cause was I had not been informed up to this time.

At the station was a local band of music waiting to receive me, and to strike up the inspiring air, 'See the conquering hero comes'; but, unfortunately, the band consisted only of a drum, of such dimensions that I thought it must have been built for the occasion, and a clarionet.

Before the band struck up, however, I was greeted with such enthusiastic outbursts that they might have brought tears into the eyes of anyone less firm than myself. 'Orkins for ever!' roared the multitude. It almost stunned me. Never could I have dreamt my popularity would be so great. 'Orkins for ever!' again and again they repeated, each volley, if possible, louder than before. 'Bravo, Orkins! Let 'em 'ave it, Orkins! don't spare 'em.' I wish I had known what this meant.

I must say they did all that mortals could do with

their mouths to honour their future member; it was vociferous and cheering. And when at last the band struck up I was almost hustled off my feet; it would have been better if I had been, because the streets were dreadfully muddy. However, on we marched to the music of the drum, which seemed to keep pretty good time, and I have no doubt we all felt we were champions of the cause, although, as I have said, up to this moment no one had told me what it was or was likely to be. I wish they had.

I thought at the time, unpleasant as the triumphal march was, it would have been better had I gone down to the place in a four-wheeled cab, but then it would have involved them in unnecessary expense, and so far as I have since been able to make out, there were no means of paying for it. And besides, we could not have marched shoulder to shoulder like brothers, as we did, in a four-wheeled cab.

Hogarth's 'March to Finchley' was outdone by that march to the Barnstaple town hall. An enormous body of electors, 'free and independent' stamped on their faces as well as their hands, was gathered there, and it was a long time before we could get anywhere near the door.

Again and again the air was rent with the cries for 'Orkins,' and it was perfectly useless for the police to attempt to clear the way. They had me out there as if on show, and it was only by the most wonderful perseverance and good luck that I found myself going head first along the corridor leading to the town hall itself.

When I appeared on the platform, it seemed as if Barnstaple had never seen such a man; they were

mad with joy, and all wanted to shake hands with me at once. I dodged a good many, and by dint of waving his arms like a semaphore the chairman succeeded, not in restoring peace, but in somewhat moderating the noise.

I now had an opportunity of using my eyes, and there before me in one of the front seats was the redoubtable Cave—the great canvassing Cave—who instantly rose and gave me the most cordial welcome, trusted I was to be his future colleague in the House, and was most generous in his expressions of admiration for the people of Barnstaple, especially the voting portion of them, and hoped I should have a very pleasant time and never forget dear old Barnstaple. I said I was not likely to—nor am I.

Of course I had to address the assembled electors first after the introduction by the chairman, who, taking a long time to inform us what the electors *wanted*, I soon made up my mind what to say in order to convince them that they should have it. I gave them hopes of a great deal of legal reform and reduction of punishments, for I thought that would suit most of them best, and then at least assented to a satisfactory adjustment of all local requirements and improvements, as well as a determined redress of grievances which should on no account be longer delayed. ('Orkins for ever!')

I am sorry to say I did not preserve a copy of my speech, because I looked at it then as a model of what a candidate should promise and a borough wish it might get.

Then Cave stood up—an imposing man, with a good deal of presence and shirt-collar—who invited any

man—indeed, *challenged* anybody—in that hall to question him on any subject whatever.

The challenge was accepted, and up stood one of the rank and file of the electors—no doubt sent by the Howell Gwynne party—and with a voice that showed at least he meant to be heard, said:

'Mr. Cave, first and foremost of all, I should like to know *how your missus is to-day?*'

It was scarcely a political or public question, but nobody objected, and everybody roared with laughter, because it seemed at all political meetings Cave had started the fashion, which has been adopted by many candidates since that time, of referring *to his wife!* Cave always began by saying he could never go through this ordeal without the help and sympathy of his dear wife—his support and joy—at whose bidding and in pursuit of whose dreams he had come forward to win a seat in their uncorruptible borough, and to represent them—the most coveted honour of his life—in the House of Commons.

Of course this oratory, having a religious flavour, took with a very large body of the Barnstaple electors, and was always received with cheers as an encouragement to domestic felicity and faithfulness to connubial ties.

When this gentleman put the question, Cave answered' as though it was asked in real earnest, and was cheered to the echo, not merely for his domestic felicity, but his cool contempt for any man who could so far forget connubial bliss as to sneer at it.

For a few days all went tolerably well, and then I was told that a very different kind of influence prevailed in the borough than that of religion or political

morality, and that it would be perfectly hopeless to expect to win the seat unless I was prepared to purchase the large majority of electors; indeed, that I must buy almost every voter. (That's what they meant by 'Give it 'em, Orkins! Let 'em 'ave it!')

This I refused to believe; but it was said they were such free and independent electors that they voted for *either* party, and you could not be sure of them until the last moment; in fact, *if I would win I must bribe!* to say nothing of all kinds of subscriptions from cricket clubs to blanket clubs, from individual relief to friendly societies of all kinds.

I declined to accept these friendly warnings, and looked upon it as some kind of political dodge got up by the other side.

I resolved to win by playing the game, and made up my mind to go to the poll on the political questions which were agitating the public mind, as I was informed, by a simple honest candidature, knowing that in political as in every other warfare honesty is the best policy. On that noble maxim I entered into the contest, believing in Barnstaple, and feeling confident I should represent it in Parliament.

To indulge in bribery of any sort would, I knew, be fatal to my own interests even if I had not been actuated by any higher motive. I placed myself, therefore, in the hands of my friend and principal agent, Mr. Kingston, as well as the other agents of the party.

I soon found that my printing bill was likely to be pretty large, for everything had to go through the printing-press, small and great; every word must be in print with as many copies as would almost rival the

largest circulation in the world, and I could not help thinking what a real blessing to candidates a free press would be.

We did not long, however, remain true to our own party. I saw there was a hitch somewhere which soon developed into a split; some of us, it seemed, must go to the wall. I could not understand the reason of it; we professed the same politics, the same 'cause,' the same battle-cry, the same enemies. But, whatever it was, I could see that we were so much divided that my chances of heading the poll were diminishing.

I had been cheered to the echo night after night and all day long, so that there was enough shouting to make a Prime Minister; my horses had time after time been taken from my carriage, and cheering voters drew me along. These unmistakable signs of popular devotion to my interests had been most encouraging; and, as they shouted themselves hoarse for me, I talked myself hoarse for them. We had a mutual hoarseness for each other. Everything looked like success; everything *sounded* like success; and night after night out came drum and clarionet to do their duty manfully in drumming me to my hotel.

It had been a remarkable success; everybody said so. Most of them declared solemnly they had never seen anything like it. They pronounced it a record popularity. I thought it was because the good people had selected me as their candidate on independent and purity of election principles. This explanation gave them great joy, and they cheered with great enthusiasm for their own virtue. Judge, then, my surprise a short while after, when, notwithstanding the firm principles

upon which we had proceeded, and by which my popularity was secured, I began to perceive that *money was the only thing they wanted!* Their uncorruptible nature yielded, alas! to the lowering influence of that deity.

It was at first a little mysterious why they should have postponed their demands—secret and silent—until almost the last moment; but the fact is a large section of my party were dissatisfied with the voluntary nature of their services; they declined to work for nothing, and having shown me that the prize—that is, the seat—was mine, they determined to let me know it must be paid for. A large number of my voters would do nothing; they kept their hands in their pockets because they could not get them into mine.

This was no longer a secret, but on the eve of the election was boldly put forward as a demand, and I was plainly told that £500 distributed in small sums would make my election sure.

As, however, in no circumstances would I stoop to their offer, this demand did not in the least influence me—I never wavered in my resolution, and refused to give a farthing. Furthermore, showing the web in which they sought to entangle me, the same voice that suggested the £500 also informed me that I was closely watched by a couple of detectives set on by the other side.

I was well aware that the 'other side' had given five-pound notes for votes, but I could neither follow the example nor use the information, as it was told me 'in the strictest confidence.'

I was therefore powerless, and felt we were drifting

asunder more and more. At last came the polling day, and a happy relief from an unpleasant situation it certainly was.

A fine bright morning ushered in an exciting day. There was a great inrush of voters at the polling-booth, personal votes, if I may call them so—votes, I mean to say, of friends, honest supporters; these were my own acquaintances made during my sojourn at Barnstaple; others came, a few for Cave as well as myself. Cave did not seem to enjoy the popularity that I had achieved. Still, he got a few votes.

Now came an exciting scene. About mid-day, the working man's dinner hour, the tide began to turn, for the whole body of *bribed* voters were released from work. My majority quickly dwindled, and at length disappeared, until I was in a very hopeless minority. Everywhere it was 'Stukely for ever!' Some cried, 'Stukely and free beer!' Stukely, who till now had hardly been anybody, and had not talked himself hoarse in their interests as I had, was the great object of their admiration and their hopes.

The consequence of this sudden development of Stukely's popularity was that Cave united his destiny with the new favourite, and such an involution of parties took place that 'Stukely and Cave' joined hand in hand and heart to heart, while poor Howell Gwynne and myself were abandoned as useless candidates. At one o'clock it was clear that I must be defeated by a large majority.

The Cave party then approached me with the modest request that, as it was quite clear that I could not be returned, would I mind attending the polling places and give my support to Cave?

This piece of unparalleled impudence I declined to accede to, and did nothing. The election was over so far as I was interested in its result; but I was determined to have a parting word with my supporters before leaving the town. Strange to say, I did not appear to be the least annoyed with not winning, for it was quite a matter of indifference, but I was mortified at the unblushing treachery and deception of my supporters.

I was next asked what I proposed to do. It was clear that their object now was to get me out of the town as soon as possible, for if unsuccessful as a candidate, I might be troublesome in other ways. Such people are not without a sense of fear if they have no feeling of shame.

I said I should do nothing but take a stroll by the river, the day being fine, and come back when the poll was declared and make them a little speech.

The little speech was exactly what they did not want, so in the most friendly manner they informed me that a fast train would leave Barnstaple at a certain time, and that probably I would like to catch that, as no doubt I wished to be in town as early as possible to attend to my numerous engagements. If they had chartered the train themselves they could not have shown greater consideration for my interests.

But I informed them that I should stop and address the electors, and with this statement they turned somewhat sulkily away.

At the appointed hour for the declaration of the poll I was on the hustings—well up there, although the lowest on the poll. Stukely and Cave were first and second, Howell Gwynne and myself third and *last!*

There was an enormous crowd round the booth howling, hooting, cheering, yelling, and amongst them a mob of riotous navvies, interested, no doubt, in the political questions of the day, but much more so in making a row and insulting me, so as, if possible, to make it clear that I had better have adopted the suggestion of my friends and taken the fast train to London in the earlier part of the day.

I met these men good-humouredly, for I knew that, howl as they might, they had no real feeling of hostility towards me, and I soon made them laugh, the surest way of winning over a mob to your side. The head man, or captain of this sturdy team of navvies, wore a catskin cap, and by way of showing his ascendancy, sat on the shoulders of another stalwart son of the pick.

I looked hard at him and smiled. He returned it with a loud 'Haw! haw! haw!' The others, seeing this, immediately set up a hearty cheer for Orkins—'Orkins for ever!'

They were thoroughly English, and cheered the defeated candidate, swore I'd made a plucky fight on 't, and danged if ur didn't take ur lickin' like a man, and then up went a volley of cheers.

As soon as some order was restored, I said: 'Gentlemen, if you represent the great Conservative party, and the gentleman of the catskin is your leader, the sooner you have a little reform amongst you the better.'

They roared with laughter. 'Ay, ay,' they cried, 'we be Conservatives! Haw! haw!' and then the air was rent with more and more boisterous cheers.

After this there was no further interruption, but

there was an individual amongst the crowd who was dressed as a gentleman's valet, and was undoubtedly a real Conservative; he stood on a tub and kept making a noise with the intention of interrupting me. I was told he was a footman to one of my strongest opponents, and on the principle of like master like man, had a strong dislike to the 'lower orders.' The crowd, it appeared, knew him well enough, and always regarded him as a 'gentleman.' As he stood there on the tub, conspicuous above the crowd (his house not being far away), I pretended to hear the bell ring in that direction, and while he was waving his arms in gesticulation, I said:

'John, I hear your master's bell; he has just rung for you!'

This was enough for John. If he had disappeared into the tub he could not have been more instantaneously invisible. Amidst the most uproarious cheers away he went, and molested me no more.

When my turn came to address the multitude I spoke in no measured terms as to the conduct of the election, which I denounced as having been won by the most scandalous bribery and corruption.

All who were present as unbiassed spectators were sorry, and many of them expressed a wish that I would return on a future day.

'Not,' said I, 'until the place has been purged of the foul corruption with which it is tainted.'

I had resolved to leave by the mail train, and was actually accompanied to the station by a crowd of some 2,000 people of all ranks, including the Rector, or Vicar of the parish, who gave me godspeed on my journey home.

This kind and sincere expression of goodwill and sympathy was worth all the boisterous cheers of welcome with which I had been received.

On the platform at the railway-station I had to make another little speech, and then I took my seat, not for Barnstaple, but London. As the train drew out of the station, the people clung to the carriage like bees, and although I had not even honeyed words to give them, they gave me a 'send off' with vociferous cheers and the most cordial good wishes.

Thus I bade good-bye to Barnstaple, never to return or be returned, and I can only say of that enlightened and independent constituency that, while seeking the interests of their country, they never neglected their own.

I need not say I learnt a great deal in that election which was of the greatest importance in the conduct of the Parliamentary petitions which were showered upon me.

I ought to add that, before I accepted the candidature of Barnstaple, a friend of mine came to me and said he had been making inquiries as to how the little borough of Totnes could be won. He had, I need not say, made those inquiries on my account, and informed me that the lowest figure required as an instalment to commence with was £7,000.

After this I had no more to do with electioneering in the sense of being a candidate, but a good deal to do with it in every other. I think I have before observed that one day Baron Martin asked me if I was coming to such and such an election petition.

'No,' I answered, 'no; I have put a prohibitory fee

on my services; I can't be bothered with election petitions.'

'How much have you put on?'

'Five hundred guineas, and two hundred a day.'

The Baron laughed heartily. 'A prohibitory fee! They must have you, Hawkins—they must have you. Put on what you like; make it high enough, and they'll have you all the more.'

And I did. It turned out a very lucrative branch of my business, and my electioneering expenses were a good investment. The experience at Barnstaple repaid the outlay. It was invaluable, and no feature of an election ever came before me but I recognised a family likeness.

CHAPTER XXXV

THE TICHBORNE CASE

[THE greatest of all chapters in the life of Mr. Hawkins was the prosecution of the impostor Arthur Orton for perjury, and yet the story of the Tichborne case is one of the simplest and most romantic. The heir to the Tichborne baronetcy and estates was shipwrecked while on board the *Bella* and drowned in 1854. In 1865 a butcher at Wagga Wagga in Australia assumed the title and claimed the estates. But the story is not related in these reminiscences on account of its romantic incidents, but as an incident in the life of Lord Brampton. It is so great an incident that there is nothing in the annals of our ordinary courts of justice that is comparable with it, either in its magnitude or its advocacy. I speak particularly of the trial for perjury, in which Mr. Hawkins led for the prosecution, and not of the preceding trial, in which he was junior silk to Sir John Coleridge.

It is impossible to give more than the *points* of this strange story as they were made by Mr. Hawkins, and the real *facts* as they were elicited by him in cross-examination and pieced together by his skill, both in his opening speech and his reply in the case for the Crown. What rendered Mr. Hawkins' task the more difficult was that his predecessors had so bungled the cross-examination in many ways that they not only had not elicited what they might have done, but actually, by

many questions, furnished information to the Claimant which enabled him to carry on his imposture.]

The Tichborne trials demand a few words by way of introduction, for although there were two trials, they were of a different character, the first being an ordinary action of ejectment in which the claimant sought to dispossess the youthful heir, whose title he had already assumed, under circumstances of the most extraordinary nature.

The action of ejectment was tried before Chief Justice Bovill at the Common Pleas, Westminster. Ballantine and Giffard (now Lord Halsbury) led for the plaintiff, the butcher, while on behalf of the trustees of the estate (that is the real heir) were the Solicitor-General Coleridge, myself, Bowen (afterwards Lord Bowen), and Chapman Barber, an *equity* counsel.

I must explain how it was that I, having been retained to lead Coleridge, was afterwards compelled to be led by him; and it is an interesting event in the history of the Bar as well as of the Judicial Bench.

The action was really a Western Circuit case, although the venue was laid in London. Coleridge led that circuit and was retained. I belonged to the Home Circuit, and had no idea of being engaged at all for that side. I had been retained for the Claimant, but the solicitor, with great kindness, withdrew his retainer at my request.

I was brought into the case for the purpose of leading, and no other; but by the appointment of Coleridge to the Solicitor-Generalship in 1868, I was displaced, and Coleridge ultimately led. His further elevation happened in this way: Sir Robert Collier

was Attorney-General, and it was desired to give him a high appointment which at that moment was vacant, and could only be filled by a Judge of the High Court. Collier was not a Judge, and therefore was not eligible for the post. The question was how to make him eligible. The Prime Minister of the day was not to be baffled by a mere technicality, and he could soon make Collier a Judge of the High Court if that was a condition precedent.

There was immediately a vacancy on the Bench; Collier was appointed to the judgeship, and in three days had acquired all the experience that the Act of Parliament anticipated as necessary for the higher appointment in the Privy Council.*

My friend, John Strachan, K.C., whose memory of this incident I prefer to my own, says: It was during the hearing of the ejectment action of Tichborne *v.* Lushington that Sir John Coleridge, Q.C., on behalf of the defendants, addressing the presiding Judge (Lord Chief Justice Bovill) with considerable warmth, complained of the leading counsel for the Claimant keeping up the case after he (the speaker) had, as he termed it, 'demonstrated it to be a case of imposture,' and, said Sir John, 'as head of the English Bar I protest against it.' Sir John had only been made Attorney-General a day or two before, on the elevation of Sir Robert Collier to the Bench. The counsel referred to were not present in court at the time; but after the adjournment for luncheon Serjeant Ballantine asked permission to interpose for the purpose of referring to the remarks, and quoting Sir John's words, said: 'True, he *is* the head of the English Bar—by an accident.' Whereupon Mr. Hawkins, in a stage whisper, exclaimed, 'Yes, a Collier-y accident!' to the great amusement of the few in his neighbourhood who heard the remark. 'Oh,' said Ballantine aloud to the Judge; 'I am told by my learned friend, although I have not—er—the least idea—where he derived his information, that it was—a Collier-y accident, my lord! I know—nothing of—er—these things of my own knowledge.'

Instead of leading, therefore, in the case before Chief Justice Bovill, I had to perform whatever duties Coleridge assigned to me. My commanding position was gone, and it was no longer presumable that I should be entrusted with the cross-examination of the plaintiff. I was bound to obey orders and cross-examine whomsoever I was allowed to.

[The one thing Mr. Hawkins was retained for was the cross-examination of the plaintiff. Lord Chief Justice Cockburn said, 'I would have given a thousand pounds to cross-examine him.' It would have been an excellent investment of the Tichborne family to have given Hawkins ten thousand pounds to do so, for I am sure there would have been an end of the case as soon as he got to Wapping.

Coleridge acknowledged that the Claimant cross-examined him instead of his cross-examining the Claimant.

When that shrewd and cunning impostor was asked, 'Would you be surprised to hear this or that?' 'No,' said he, 'I should be surprised at nothing after this long time and the troubles I have been through; but, now that you call my attention to it, I remember it all perfectly well.'

The plaintiff constantly corrected the day after, blunders he had made the day previous, and which had been pointed out to him by the questions, that set him on inquiry.]

I was asked at an earlier stage to go into Chancery and listen to the cross-examination of the plaintiff by Mr. Chapman Barber. This was the manner in which it was conducted:

'Will you swear, sir, you were on board the *Bella?*'

'I will.'

'Let me make a note of that. Do you swear you were picked up and taken to Australia?'

'I do, sir.'

'Stop; let me make a note of that.'

Anyone who could have cross-examined him at that time would have crushed the thing in the bud.

I had also been retained by the trustees of the Doughty estate. Lady Doughty was a sister of Sir Roger Tichborne, and it was her daughter Kate whom Roger the heir desired to marry. Had the Claimant succeeded in the first case he would have brought an action against her also.

No copy of the proceedings had been supplied to me, and I was informed that at this preliminary cross-examination they would not require my assistance; that their learned Chancery barrister was merely going to cross-examine the Claimant on his affidavits—a matter of small consequence. So it was in one way, but of immeasurable importance in many other ways, But they said *I might like to hear the cross-examination as a matter of curiosity!**

I did.

The Claimant had it all his own way. I was powerless to lend any assistance; but had I been instructed I am perfectly sure I could then and there have extinguished the case, for the Claimant at that time knew absolutely nothing of the life and history of Roger Tichborne.

* I cannot conceive of a more interesting heirloom in the Tichborne family than a painting of the remarkable scene of the cross-examination of the Claimant by Mr. Chapman Barber, and Mr. Hawkins looking on as *a matter of curiosity*. —R. H.

So the case went on, costs piled on costs; information picked up, especially by means of interminable preliminary proceedings, until the impostor was left master of the situation, to the gratification of fools and the hopes of fanatics.

I was, however, allowed in the trial to cross-examine some witnesses. Amongst them was a man of the name of Baigent, the historian of the family, who knew more of the Tichbornes than they knew of themselves. My cross-examination of Baigent, which did more than anything else to destroy the Claimant's case, occupied ten days. He was the real Roger's old friend, and knew him to the time of his leaving England never to return. I drew from him the confession that he did not believe he was alive, but that he had encouraged the Dowager Lady Tichborne to believe that the Claimant was her son; and that her garden was lighted night after night with Chinese lamps in expectation of his coming.

I also obtained admissions from him that when he saw the Claimant at Alresford Station neither knew the other, although Baigent had never altered, in the least, as he alleged.

There was another witness allotted to me, and that was Carter, an old servant of Roger whilst he was in the Carabineers. This man supplied the plaintiff with information as to what occurred in the regiment while Roger belonged to it; but he only knew what was known to the whole regiment. He did *not* know private matters which took place at the officers' mess; it was upon these, I need not say, that my cross-examination showed the Claimant to be an impostor. I 'had him there.'

As Parry and I were sitting one morning waiting for the Judges, I remarked on the subject of the counsel chosen for the prosecution: 'Suppose, Parry, you and I had been Solicitor and Attorney General, in the circumstances what should we have done?'

'Plunged the country into a bloody war before now, I dare say,' said Parry, elevating his eyebrows and wig at the same time.

I confess when I undertook the responsibility of this great trial I was not aware of the immense labour and responsibility it would involve; nor do I believe anyone had the smallest notion of the magnitude of the task.

Instead of the work diminishing as we proceeded, it increased day by day and week by week; one set of witnesses entailed the calling of another set. The case grew in difficulty and extent. It seemed absolutely endless and hopeless.

Within a few weeks of the start, a necessity arose for procuring the testimony of a witness from Australia, a matter of months; and the trial being a criminal one, the defendant was entitled to have the case for the prosecution concluded within a reasonable time. If we had no evidence it was to his advantage, and we had no right to detain him for a year while we were trying to obtain it.

However, the Australian evidence came in time. Numbers of witnesses had to be called who not only were not in our brief, but were never dreamed of. For instance, there was the Danish perjurer Louie, who swore he picked up the defendant at sea when the *Bella* went down.

Instead of this man going away after he had given his evidence, he remained until two gentlemen from the City, seeing his portrait in the Stereoscopic Company's window in Regent Street, identified him as a dishonest servant of theirs, who was undergoing a sentence of penal servitude at the time he swore he picked Roger up. He received five years' penal servitude for his evidence.

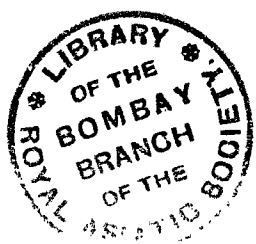
I had pledged myself to the task, which extended over many months more than I ever anticipated. At every sacrifice, however, I was bound to devote myself to the case, and did so, although I had to relinquish a very large portion of my professional income.

What made things worse, there was not only no effort made to curtail the business, but advantage was taken of every circumstance to prolong it. The longer it was dragged out the better chance there was of an acquittal. Had a juryman died after months of the trial had passed, the Government must have abandoned the prosecution. It would have been impossible to commence again. This was the last hope of the defence.

[The trial before Bovill ended at last, as it ought to have done months before, in a verdict for the defendants and the order for the prosecution of the Claimant for perjury. It was this prosecution that occupied the attention of the court and of the world for 188 days, extending over portions of two years.

There is no doubt that Coleridge would a second time have deprived the country of Mr. Hawkins' services, and, as Attorney-General, have kept him out of the case, but higher influences than his prevailed, and the distinguished counsel was appointed

to lead for the Crown, with Mr. Serjeant Parry as his leading junior. It is not too much to say that no one knew the case so well as Mr. Hawkins and none could have done it so well. Bowen and Mathews were his juniors.]



CHAPTER XXXVI

THE TICHBORNE CASE—*continued*

[THE whole case, from the commencement of the Chancery proceedings down to the commencement of this trial, had been a comedy of blunders. The very claim was an absurdity, every step in the great fraud was an absurdity, and every proceeding had some ridiculous absurdity to accompany it. It was not until the cross-examination of Baigent by Mr. Hawkins that the undoubted truth began to appear.

'You are the first,' said Baron Bramwell, 'who has let daylight into the case'; and I think it should be shown as clearly as words can do it the simple story Mr. Hawkins evolved from the lies and half-truths which had for so many years imposed upon a great number even of the intelligent and educated classes of the community. And I would observe that until nearly the end of the trial the case was never safe or quite free from doubt; it was only what was elicited by Mr. Hawkins that made it so. No wonder the advocate said to Giffard, who was opposed to him on the first trial: 'If you and I had been together in that case in the first instance, we should have won it for the Claimant. Being on the other side, this is how the case stood when he had completed it:

The real heir to the family was a fairly well-formed, slender youth of medium height. The personator of this youth was a man an inch and a half or two inches

taller, and weighing five-and-twenty stone. His hands were a great deal larger than those of Roger, and at least an inch longer; his feet were an inch and a half longer. He was broader, deeper, thicker, and altogether of a different build. The lobes of his ears, instead of being pendant like Roger's, adhered to his cheeks. But he was not more unlike in physical outline than in mental endowment, taste, character, pursuits and sentiment, in manners and habits, in culture and education, connection and recollection.

Roger had been educated at Stonyhurst, with the education of a gentleman; this man had never had any education at all. Roger had moved in the best English society; this man amongst slaughtermen, bushrangers, thieves, and highwaymen. Roger had been engaged to a young lady, his cousin, Kate Doughty; this man had been engaged to a young woman of Wapping, of the name of Mary Ann Loader, a respectable girl in his own sphere of life.

Roger's engagement to this young lady, his cousin, was disapproved of by the Tichborne family, and was the cause of his leaving England. But before he went he gave her a writing, and deposited a copy of it with Mr. Gosford, the legal adviser of the family.

This document was one of the most important incidents in the history of the case, and upon it, if the cross-examination had been conducted by Mr. Hawkins in Chancery, the case would have been crushed at the outset. It is not my task to show how, but to state what it all came to when Mr. Hawkins left it to the jury to say whether the claimant *was* the Roger Tichborne he had sworn himself to be, or whether he was Arthur Orton, the butcher of Wapping, whom he swore he was not.

This document forms the subject of the 'sealed packet' left with Mr. Gosford, and contained in effect these words: 'If God spares me to return and marry

my beloved Kate within a year, I promise to build a church and dedicate it to my patron saint.'

Till his cross-examination in Chancery he had never heard of this packet, and he was so informed of it that his solicitor demanded a copy. Gosford had destroyed the original, and of course there was no end of capital out of it, a concocted original was made, which was to the effect that this gentleman, 'so like Roger,' as Mr. Hawkins so often said; *had seduced his cousin*, and that if she proved to be *enceinte*, Gosford was to take care of her. Luckily 'Kate Doughty' had her original preserved with sacred affection. But such was the memory of this man's early life, contrasted with what *would* have been the real memory of Sir Roger Tichborne.

He did not recollect being at Stonyhurst; he said positively he was at Winchester, where certainly Roger never was. He could not remember his mother's Christian names, and could not write his own.

He came to England to see his mother, and then would not go to her; she went to see him, and he got on the bed and turned his face to the wall. She did not see his face, but recognised him by his ears, because they were like his uncle's; then ordered the servant to undo his braces for fear he should choke.

Such a piece as this on the stage would not have lasted one night; in real life it had a run for many years. But then there never was a rogue that some fool would not believe in. How else was it possible that millions believed in this man, who had forgotten the religion he had been brought up in, and was married by a Wesleyan minister at a Wesleyan church, he being, as his mother informed him, a strict Roman Catholic from his birth? However, he did his best to reform his error by getting married again by a Roman priest, although he made another blunder, and forgetting he was Sir Roger Tichborne, married as Arthur Orton, the son of the Wapping butcher. When his

dear mother reminded him of his being a Catholic, he wrote and thanked her for the information, and hoped the Blessed Maria would take care of her for evermore, little dreaming that the 'Black Maria' would one day take particularly good care of himself.

So that he forgot the place of his birth, the seat of his ancestors, the friends of his youth, the face, features and form of his mother, his education and religion, his brother officers in the regiment, the regiment itself, and the position he occupied, thinking he had been a private for fifteen days instead of a painstaking, studious, diligent officer, who was beloved by his fellows. He had forgotten all his neighbours, servants, dependants, his family solicitor, who made his will and was appointed his executor; he forgot his life in Paris, the village church of his own ancestral seat—nay, the ancestral seat itself—and the very road that led to it. He forgot his old friend and historian, who swore he had never altered the least in appearance since Roger left—historian and picture-cleaner to the family. In short, there was not one single thing in the life of Roger that he knew. He forgot what any but a born fool would remember while he was in poverty and bankruptcy for a couple of hundred pounds: the real Roger had written home on hearing of the death of his uncle, from whom he derived his title and estates, saying 'Pray go to Messrs. Glyn's and exchange my letter of credit for £2,000 for three years, for one for £3,000.'

Imagine a man forgetting he had £3,000 a year and an estate in England worth £30,000, and earning his bread in a slaughter-house and in the Bush, borrowing money from a poor woman and running away with it.

But now another singular thing stamps this fraudulent impostor who makes so many believe in him. He, alleged by his supporters to be Sir Roger Tichborne; recollected all about a place that he had never been to, people he had never heard of, far less seen; events that

he could *not* know and which never happened to him, but did happen to Arthur Orton. He knew Wapping well—every inch of it; Old Charles Orton, the father of Arthur; Charles Orton the brother, the sisters, the people who kept this shop and that; so that when on his return to England he went to the Wapping seat of his ancestors instead of Ashford: he asked all about them, and reminded them so faithfully of the little events of Arthur's boyhood, and resembled that person so much in the face that they said, 'Why, you are Arthur Orton yourself!' True, he paid some of them to swear he was not, but the impression remained.

Mr. Hawkins told the jury how he picked up his second-hand knowledge of the things he spoke about concerning the Tichbornes, for it was necessary to be able to answer a good many questions wherever he went, especially when he went into the witness-box.

There was an old black servant, quite black, who had been a valet in the Tichborne family. His name was Bogle, and the Claimant was told by the poor old dowager that if he could meet with him, Bogle could tell him a good many things about himself.

Bogle was an excellent diplomatist, and no sooner heard from Lady Tichborne that her son Roger was in Australia than the two began to look for one another, the one as black inside as the other was out. Bogle announced that he was the man before he saw him, on the mother's recommendation, and became and was to the end one of his principal supporters, so much so that 'Old Bogle' spread the Claimant's knowledge of the Tichbornes abroad, and, like everybody else, believed in him because he knew so much which he could not have known unless he had been the veritable Roger, all which Bogle had told him.

But in the interests of justice, 'Old Bogle' and Mr. Hawkins became acquainted, much to the advantage of the latter, as he happened to meet Bogle in the witness-box, a place where Mr. Hawkins unravelled

the trickster's most subtle of designs. The advocate fairly liked 'Old Bogle,' as he called him, because, said he, Bogle having white hair, was so like a malacca cane with a silver knob, white at the top and black below.

Bogle had sworn that Roger had no tattoo marks when he left England. In point of fact he had. But Bogle had to fit him to the Claimant who had had tattoo marks of a very different kind from those of Roger's. The Claimant had removed his, and therefore was presented to the court without any. Mr. Hawkins was not content, like the Chancery barrister, with saying, 'You swear Roger had no tattoo marks? Very well, let me take that down,' but addressed him as follows:

'How do you know Roger had no tattoo marks?'

'I saw his arms on three occasions.' This was a serious answer for Bogle.

'When and where, and under what circumstances?' followed in quick succession, so that there was no escape, and the witness said that Roger had on a pair of black trousers tied round the waist, and his shirt buttoned up.

'The sleeves, how were they?'

'Loose.'

'How came you to see his naked arms?'

'He was rubbing one of them like this.'

'What did he rub for?'

'I thought he'd got a flea.'

'Did you see it?'

'No, of course.'

'Where was it?'

'Just there.'

'What time was this?'

'Ten minutes past eleven.

'That's the first occasion; come to the second.'

'Just the same,' says Bogle.

'Same time?'

'Yes.'

'Did he always put his hand inside his sleeve to rub?'

'I don't know.'

'But I want to know.'

'If your shirt was unbuttoned, Mr. Hawkins, and you was rubbin' your arm, you would draw up your sleeve——'

'Never mind what I should do; I want to know what you saw.'

'The same as before,' answers Bogle angrily.

'A flea?'

'I suppose.'

'But did you see him, Bogle?'

'I told you, Mr. Hawkins, I did not.'

'Excuse me, that was on the first occasion.'

'Well, this was the same.'

'Same flea?'

'I suppose.'

'Same time—ten minutes past eleven?'

'Yes.'

'Then all I can say is, he must have been a very punctual old flea.'

Exit Bogle, and with him his evidence.

After the trial had been proceeding for some time, Baigent was giving evidence of the family pedigree.

Honeyman whispered, 'We might as well have the first chapter of Genesis and read that.'

'Genesis!' said Hawkins; 'I want to get to the last chapter of Revelation.'

One day Mr. J. L. Toole came in, and was invited to sit next to Mr. Hawkins, which he did.

At the adjournment for luncheon the Claimant muttered as they passed along: 'There's Toole come to learn actin' from 'Arry Orkins.'

There was one witness who ought not to be forgotten. It was Mr. Biddulph, a relation of the Tichborne family, a good-natured, amiable man, willing to oblige anyone, and a county magistrate—'one of the

most amiable county magistrates I have ever met; a man of the strictest honour and unimpeachable integrity.'

He had been asked by the dowager lady to recognise her son.

'I don't see how I can,' said he. 'I am willing to oblige, but not at the expense of truth. Better get someone else who knew him better than I did. This man bears no resemblance to the man I knew. I cannot do it.' And so he resisted all entreaties with that firmness of purpose for which he was remarkable.

'He was then invited,' said Mr. Hawkins, 'to a little dinner at another supporter of the Claimant's, and one somewhat shrewder than the rest. The Claimant described this party as consisting of a county magistrate, a money-lender, a lawyer, and a humbug.

This is how the advocate dealt with this little party in his address to the jury:

'Gentlemen, can't you imagine the scene? Perkins, the lawyer, says to Biddulph: "Come, now, Mr. Biddulph, you know you have had great experience in cross-examining as a county magistrate at Petty Sessions; now, cross-examine this man *firmly*, and you'll soon find he knows more than you think. If he's not the man, he's nobody else, you may be quite sure of that. But first of all," says Perkins, "what did you know of Roger? That's the first thing; let's start with that."

'"Oh, not very much," says Biddulph. "He stayed at Bath once for a fortnight while his mother was there."

'"Pass Mr. Biddulph the champagne," says Perkins. (Laughter.)

'"Now," he adds, "how did you amuse yourselves, eh?"

'"Well," says Biddulph, "we used to smoke together at the hotel—the—the—White something it was called."

'"Did you smoke pipes or cigars?"

'"Well, I remember we had some curious pipes."

'"Another glass of champagne for Mr. Biddulph." (More laughter.) "What sort of pipes?" asks the Claimant; "death's-head pipes?"

'The magistrate remembered, opened his eyes, and lifted his hands. Thus the amiable magistrate was convinced, although he said, candidly enough, "I did not recognise him by his features, walk, voice, or twitch in his eye, but I was struck with his recollection of having met me at Bath." The death's-head pipes settled him.

'As for Miss C——, the governess, she was of a different order from Mr. Biddulph. She told us she had listened to the defendant when he solemnly swore that he had seduced her former pupil, that he had stood in the dock for horse-stealing, and had been the associate of highwaymen and bushrangers, and had made a will for the purpose of fraud; and yet this woman took him by the hand, and was not ashamed of his companionship. His counsel described her as a ministering angel. Heaven defend me from ministering angels if Miss —— is one!'

The Claimant, while in Australia, being asked what kind of lady his mother (the dowager Lady Tichborne) was, answered: 'Oh, a very stout lady; and that is the reason I am so fond of Mrs. Butts, of the Metropolitan Hotel, she being a tall, stout, and buxom woman; and like Mrs. Mina Jury (of Wapping), because she was like my mother.'

A witness of the name of Coyne was called to give evidence of the recognition of the Claimant by the mother in Paris, and the solicitor said to Coyne: 'You see how she recognises him.'

'Yes,' said Coyne; 'he's lucky.'

There was no cross-examination, and Mr. Hawkins said to the jury: 'They need not cross-examine unless they like; it's a free country. They may leave this

man's account unquestioned if they like, but if it is a true account, what do you say to the recognition ?'

Louie, the Dane, said that while the Claimant was on board his ship he amused himself by picking oakum and reading 'The Garden of the Soul.'

There were several *Ospreys* spoken to as having picked up the Claimant after the wreck of the *Bella*, and the defendant had not the least idea which one was the best to carry him safely into harbour. The defendant's counsel, notwithstanding, had told the jury that he, Hawkins, had not ventured to contradict one or other of the stories of the wreck, and had not called the captain of the *Osprey* which had picked him up.

Comment on such a proposition in advocacy would be ridiculous. Mr. Hawkins dealt with it by an example which the reader will remember as having occurred in his early days :

'"We don't know which *Osprey* you mean." "Take any one," says the defendant's counsel, reminding me of the defence of a man charged with stealing a duck, and having given seven different accounts as to how he became possessed of it, his counsel was at last asked which he relied on. "Oh, never mind which," he answered ; "I shall be much obliged if the jury will adopt any one of them."

'Roger was said by the defendant's counsel to have been painfully *thin ;* no one can say the Claimant is painfully thin, nor can anyone but his own counsel pretend that he has that "dreamy and pensive" look in his blue eyes which he spoke of, while his feet are at least two inches longer than Roger's.

'You remember, gentlemen, the touching words in which the defendant's counsel spoke of Bogle : "He is one of those negroes," said he, "described by the author of 'Paul and Virginia,' who are faithful to the death, true as gold itself. If ever a witness of truth came into the box, that witness was Bogle."'

Mr. Hawkins answered him in these words :

'Well, you have seen him—Old Bogle! What do you think of him? Was there ever a better specimen of feigned simplicity than he? "Bogle," cries the defendant, after all those years of estrangement, "is that *you?*" "Yes, Sir Roger," answered Bogle; "how do you do?"

'"Do you remember giving me a pipe o' baccy?" asks a poor country greenhorn down at Alresford. "Yes," answers the Claimant. "Then you're the man," says the greenhorn. Such was the way evidence was manufactured.

'A poor lady—you remember Mrs. Stubbs—had a picture of her great-great-grandfather's great-grandfather. In goes the Claimant, and in his artful manner shows his childhood's memory. "Ah, Mrs. Stubbs," says he, looking at another picture, "that is not the *old* picture, is it?" (Somebody had put him up to this.) "No, sir," cries Mrs. Stubbs, delighted with his recollection—"no, sir; but please to walk this way into my parlour"; and there, sure enough, was the picture he had been told to ask for.

'"Ah!" he exclaims, "there it is; there's the old picture!"

'How could Mrs. Stubbs disbelieve her own senses?'

One, Sir Walter Strickland, declined to see the Claimant and be misled, and was roundly abused by the defendant's counsel. One of the jury asked if *he was still alive.* 'Yes,' said the Lord Chief Justice, although the defendant expressed a hope that they would all die who did not recognise him. . . .

'In a letter to Rous, my lord, where he said, "I see I have one enemy the less in Harris's death. Captain Strickland, who made himself so great on the other side, went to stay at Stonyhurst with his brother, and died there. He called on me a week before and abused me shamefully. So will all go some day." This,' said Mr. Hawkins, 'was not exhibiting the

same Christian spirit which he showed when he said: "God help those poor *purgured* sailors!"'

'Why should defendant,' asked Mr. Hawkins at the close of one of the day's speeches, 'if he were Sir Roger, avoid Arthur Orton's sisters? Why, would he not have said: "They will be glad indeed to see me, and hear me tell them about the camp-fire under the canopy of heaven," as his counsel put it, "where their brother Arthur told me all about Fergusson, the old pilot of the Dundee boat, who kept the public-house at Wapping, and the Shetland ponies of Wapping, and the Shottles of the Nook at Wapping, and wished me to ask who kept Wright's public-house now, and the Cronins, and Mrs. MacFarlane of the Globe, all of Wapping."'

The Judges fell back with laughter, and the curtain came down, for these were the questions with many more the Claimant put on the evening of his landing.

'I shall attack the noble army of Carabineers,' said Mr. Hawkins on another occasion. He did so, and conquered the regiment in detail.

One old Carabineer was librarian at the Westminster Hospital. His name was Manton, and he was a sergeant. He told Baigent something that had happened while Roger was his officer, and he told the Claimant. Manton afterwards saw the huge man, and failed to recognise him in any way. But when the Claimant told him what he had told Baigent he opened his eyes. This looked like proof of his being the man. He was struck with his marvellous recollection, and was at once pinned down to this in an affidavit:

'The Claimant's voice is stronger, and has less foreign accent. I recognised his voice, and found his tone and pronunciation to be *the same as Roger Tichborne's*, whom I knew as an officer.'

'Truly, an affidavit is a powerful auxiliary in fraud.

While Mr. Hawkins was replying one afternoon Mr. Whalley, M.P., came in and sat next to the

Claimant. He was, from the first, one of his most enthusiastic supporters.

'Well,' he said, 'and how are you getting on to-day? How are we getting on, eh?'

'Getting on,' growled the Claimant; 'he's been going on at a pretty rate, and if he goes on much longer I shall begin to think I am Arthur Orton, after all.'

I will conclude this chapter with the following reminiscences of the trial by Lord Brampton himself:

I had a great deal to put up with from day to day in many ways during this prolonged investigation. The Lord Chief Justice, Cockburn, although good, was a little impatient, and hard to please at times.

My opponent sought day by day some cause of quarrel with me. At times he was most insulting, and grew almost hourly worse, until I was compelled, in order to stop his insults, to declare openly that I would never speak to him again on this side the grave, and I never did. My life was made miserable, and what ought to have been a quiet and orderly performance was rendered a continual scene of bickering and conflict, too often about the most trifling matters.

With everyone else I got on happily and agreeably, my juniors loyally doing their very utmost to render me every assistance and lighten my burden.

Even the Claimant himself not only gave me no offence from first to last, but was at times in his manner very amusing, and preserved his natural good temper admirably, considering what he had at stake on the issue of the trial, and remembering also that that issue devolved mainly upon my own personal exertions.

Nor was the Claimant devoid of humour. On the contrary, he was plentifully endowed with it.

One morning on his going into court an elderly lady dressed in deep mourning presented him with a religious tract. He thanked her, went to his seat and perused the document. Then he wrote something on the tract, carefully revised what he had written, and threw it on the floor.

The usher was watching these proceedings, and, as soon as he could do so unobserved, secured the paper and handed it to me.

'The tract was headed, 'Sinner, Repent!'

The Claimant had written on it: 'Surely this must have been meant for Orkins, not for me!'

Louie's story of picking him up in the boat must have amused him greatly. If he was amused at the ease with which fools can be humbugged, he must also have been astounded at the awful villainy of those who, perfect strangers to him, had perjured themselves for the sake of notoriety.*

I did what I could to shorten the proceedings. My

* In this case of Louie, the fact of Mr. Hawkins' skill was dangerous. One of the jury told me that at first the story was so improbable that they did not believe it, but that when they found he could stand days of cross-examination from such a man as Hawkins they had their doubts. I mentioned this circumstance to Lord Brampton, and he said it was quite true there must be some danger; but that the man placing himself on the ocean, away from everybody and everything but the boat and the sea, there were no surrounding circumstances by which the truth of his story could be tested, and therefore all he could do was to rely upon improbabilities. When the antecedent circumstances of Louie's life became known, nothing was easier for him than the mere dismissal of that part of the case altogether.

opening speech was confined to six days, as compared with twenty-eight on the other side, my reply to nine. But that reply was a labour fearful to look back upon. The mere classification of the evidence was a momentous and necessary task. It had to be gathered from the four quarters of the world. It had to be sifted, winnowed, and arranged in order as a perfect whole before the true story was evolved from the complications and entanglements with which it was surrounded.

And when I rose to reply, to perform my last work and make my last effort for the success of my cause, I felt as one about to plunge into a boundless ocean with the certain knowledge that everything depended upon my own unaided efforts as to whether I should sink or swim. Happily for the cause of justice, I succeeded; and at the end, although flattering words of approval and commendation poured upon me from all sides, from the highest to the humblest, I did not then realize their value to the extent that I did afterwards. The excitement and the exertion had been too great for anything to add to it.

But I afterwards remembered—ay, and can never forget—the words of the Lord Chief Justice himself, the first to appreciate and applaud, as I was passing near him in leaving the court: 'Bravo! Bravo, Hawkins!' And then he added: 'I have not heard a piece of oratory like that for many a long day!' And he patted me cordially on the back as he looked at me with, I believe, the sincerest appreciation.

Lord Chelmsford, too, who years before had given me my silk gown, was on the Bench on this last day, and I shall never forget the compliment he paid me on

my speech. It was of itself worth all the trouble and anxiety I had undergone.

Beyond all this, and more gratifying even still, my speech was liked by the Bar, from the most eminent to the briefless.

But greatest of all events in that eventful day was one which went deeper to my feelings—my old father, who had taken so strong a view against my going to the Bar, and who told me so mournfully that after five years I must sink or swim; my old father, who had never once seen me in my wig and gown from that day to this, the almost closing scene in my forensic career, came into court and sat by my side when I made successfully the greatest effort of my life.

END OF VOL. I.

BILLING AND SONS, LTD., PRINTERS, GUILDFORD

00026260

Digitized with financial assistance from

HT Parekh FOUNDATION

An Initiative by HDFC

WITH YOU, RIGHT THROUGH

on 15 October, 2018